



REPUBLICANISM DURING THE EARLY ROMAN EMPIRE

SAM WILKINSON

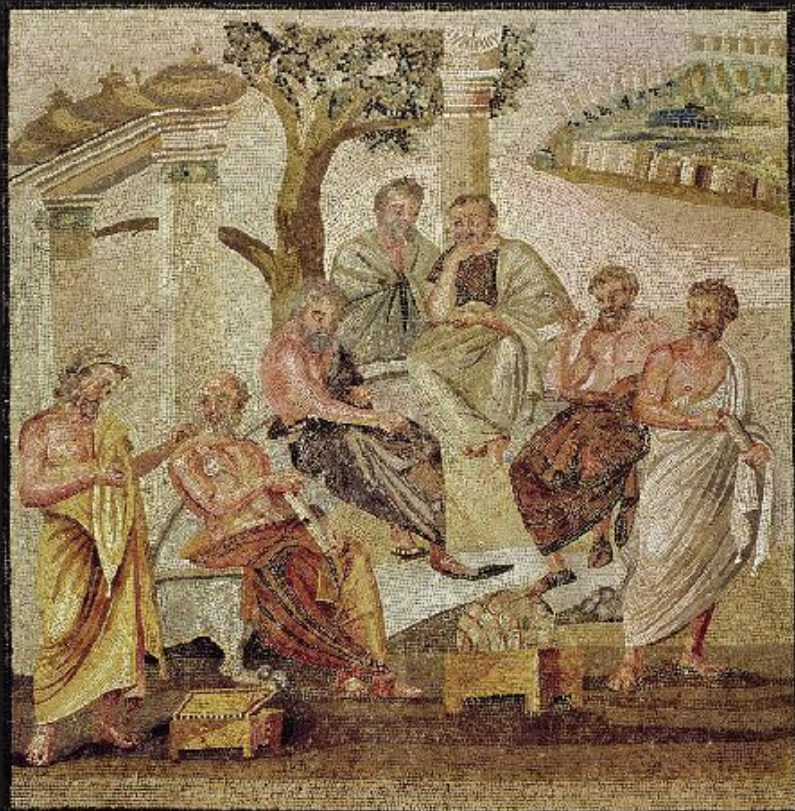
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Preface

Republicanism is a modern term with modern connotations. But when the ancient Roman Republic fell it exerted real influence on the Roman Empire. This book is the study of the political ideology of Republicanism during the first century AD – a Republicanism of which most historians today deny the very existence. The Romans may not have had a word for Republicanism, but that does not mean that to which it refers did not exist. The Introduction sets the scene, but also defines key terms and explains the methodology. Part I gives the evidence for Republican opposition to the emperors. Part II analyses the discourse of those who wrote during, or on, the period to show the political importance that the Republic played, and to highlight the ideological clash between the Republican and the Imperial.

Quotations are given in English only; academics have access to the Latin whereas the general reader probably does not require it. I have, however, added the Latin to the definitions section where it is of most importance. Translations are taken from the Loeb Classical Library, although Josephus is from the translation by Wiseman (Exeter) and the *Res Gestae* from Brunt and Moore (Oxford). I have also amended certain translations myself. I have used abbreviations for ancient works and modern texts based upon the Oxford Classical Dictionary. There are, however, a few small deviations, such as Suet. *Cal.* instead of Suet. *Calig.* for Suetonius' *Life of Caligula* and Dio instead of Cass. Dio.

Although there are only a few individuals to acknowledge, without those individuals this work would not have been possible. Richard Alston offered guidance and insight throughout, as well as the encouragement needed to counteract the criticism received from others. Frequent visits to London were made both profitable, by the excellent resources and helpful staff at the Institute of Classical Studies, and enjoyable, through the hospitality of Monsieur JB. Jamie Dezső aided the editing process by expertly managing his father's time. And finally Zsazsa put up with a husband who spent too much time on his *doktori*, and too little with his *feleség*. *Köszönöm szépen.*

1. *Status Quaestionis*

The ancient literary sources are full of examples of men and women who opposed emperors. Conspiracies and executions abound to the extent that reading Tacitus can become quite a depressing experience, ploughing through a long list of trials and stories of good men and women sent to their deaths by the machinations of the emperors and those around them. Tacitus was himself aware of the danger of demoralizing his readership.¹ Conspirators are on the whole seen by modern historians to have been ambitious individuals who wished the crown for themselves, or to be motivated by a personal animosity to the emperor. As such, opposition is mostly seen to be personal rather than ideological. Conspiracies involving Imperial favourites and family are usually seen as intrigues at court.

In 1913, G. Boissier published his work *Opposition sous les Césars*, depicting the opposition as indecisive and without principles or consistency. In 1941, Allen stated that men opposed the emperors for reasons of self-interest, and therefore not ideology (1941, 13). In 1949, Taylor claimed that it was perfectly acceptable under Nero to praise Cato, thus denying any Republican opposition under his rule and the previous Julio-Claudian emperors (1949, 180). Wirszubski's celebrated work on *libertas* claimed that the senate of the first century AD did not seek to restore its lost supremacy, but simply to maintain an honourable position (1950, 137). For him, there was no Republicanism as such, just a senate who accepted the Principate, as long as the *princeps* treated them with a little dignity. Historians have tended to agree. McAlindon argued that a restoration of the Republic was never seen as a realizable political aim and claims most of the casualties of the Principate were simply ambitious aspirants to the throne (1956, 132). Ten years after Wirszubski's study, the great Ronald Syme noted the relative absence of ideological opposition even as early as under Augustus (1960, 518). In 1966, a major work on the opposition to the emperors was carried out by MacMullen. His *Enemies of The Roman Order* remains until now the largest investigation of Republicanism in the Imperial period. It portrays most of the opponents as out for personal gain and not political change (1966, 2, 32). He systematically looks at a variety of opposition to the Principate in the first century AD and comes to the conclusion that

with the one possible exception of Cremutius Cordus, there is no evidence of opposition that wanted to restore the Republic.² Historians have basically followed this line, without crediting Cordus with a Republicanism. Rutledge, for example, feels MacMullen's attribution of possible Republicanism to Cordus goes too far (2001, 351). Lind reiterated these findings, seeing no evidence of attempts at Republican restoration or ideological opposition (1986, 90).³ Giovannini saw opposition as dependent on the individual protagonists and not ideological (1987, 364–5). A student of MacMullen, namely Rudich, then produced an important work on opposition to Nero, *Political Dissidence under Nero*. In it Rudich argued that only those who were in the Imperial circle or were related to Pompey the Great were involved in real conspiracy under the Julio-Claudians (1993, 91). And again, that they were motivated by personal ambition. Rutledge's work *Imperial Inquisitions* continually glosses over the stated Republicanism of condemned individuals and so does not see any ideological opposition (2001, 164, 167). He sees Tacitus' rhetoric as misplaced, claiming that after the death of Julius Caesar so too did the notion of a return to the Republic disappear (2001, 174). Moreover, Gowing states that by Trajan the Republic ceased to have any serious ideological purpose (2005, 6).⁴ Takács also suggests that by the time of Nero and Seneca's *De Clementia*, which spoke of Nero as king, the Roman population had accepted the monarchy (2009, 56). Thus we would expect there to be little evidence for an ideologically Republican opposition. Yet, this uniformity of view among modern historians, that opposition should be seen in the light of ambition and intrigues at court, as opposed to the manifestation of a desire for a return to the Republic or more Republican rule, seems out of step with certain elements of the ancient literary evidence.

A few examples serve to illustrate the point.⁵ Tacitus, Suetonius and Dio Cassius all tell us that, under Tiberius, Cremutius Cordus was attacked for writing histories that praised men of the Republic.⁶ Tacitus has an anonymous commentator refer to both Drusus and Germanicus as wanting to somehow restore liberty and the partnership of the Roman people to the throne (*Ann.* 2.82). Josephus, Suetonius and Dio all tell us that after the assassination of Caligula there was a move to restore the Republic.⁷ In Tacitus, Rubellius Plautus was attacked in AD 62 by Nero because he 'cherished the views of an older generation: his bearing was austere, his domestic life being pure and secluded'.⁸ Tacitus even has Tigellinus denouncing him for mimicking the ancient Romans (*Ann.* 14.57). In the Piso conspiracy of AD 66 Tacitus tells us that Piso avoided the help and participation of M. Julius Vestinus Atticus, 'lest he should arise as the

champion of liberty, or, by selecting another as emperor, convert the *res publica* into a gift of his own bestowing' (*Ann.* 15.52).⁹

The list continues, though as we progress the associations with a desire to restore the Republic become less explicit and the opposition is more associated with particular values. Under Nero, Tacitus tells us, Cassius fell for being eminent, for a great hereditary fortune, and an austere character, in line with the *mos maiorum* (a set of precedents and traditions used to guide behaviour).¹⁰ Nero sent a prosecuting speech to the senate using as evidence a bust of Cassius, the tyrannicide, which had an inscription 'to the leader of the party' (*Ann.* 16.7). When Nero sought to rid himself of Thrasea Paetus, Tacitus has Cossutianus Capito claim that as there had once been factions around Cato and Julius Caesar, there were now the same between Thrasea and Nero, likening Thrasea and his followers to Cato and his, with the obvious connection to the hero of the Republic (*Ann.* 16.22). Tacitus has a certain Paconius Agrippinus attacked on the charge of hating emperors as his father had (*Ann.* 16.28).¹¹ Dio tells us that Helvidius Priscus the Elder went beyond the frankness of speech of his father-in-law Thrasea Paetus and 'was a turbulent fellow who cultivated the favour of the rabble and was forever denouncing royalty and praising democracy' (65.12.2).

Furthermore, Republican symbolism surrounds the opponents of the emperor Nero. When Clodius Macer revolted in Africa with his one legion, he quickly began to strike coinage with distinctly Republican characteristics. Macer styled himself pro-praetor of Africa by decree of the senate; he changed the name of *Legio III Augusta* to *Liberatrix*. Similarly he featured on a coin without an Imperial laurel crown and with an obverse of a figure of liberty.¹² Galba also decided to call himself a simple legate of the senate and people of Rome until his position as emperor was ratified by the senate itself (Suet. *Gal.* 10; Plu. *Gal.* 5). Galba also issued coins in the name of *SPQR* and *Libertas PR Restituta*.¹³ The latter was in the style of Augustus, but together this recollection of the 'constitutional' language of Republicanism displays an element in the self-presentation and thus the political stance of the usurpers.

Although the history of the Empire is read as one of unbroken monarchy and it is thus tempting to marginalize stated Republican viewpoints, that the sources give us such examples suggests the Republic retained its significance. In this work I will argue that the memory of the Republic, or the stylized myth it became, did inspire opposition and thus formed part of the ideology of the first century AD. One might see in these episodes a moral conservatism or a traditionalism that speaks of little more than a nostalgia for times past. But people died for the expression of these conservative

sentiments. Even if they were not 'political' in origin (rather moral or literary), they were made political by their persecution by the emperors. One might take a more radical position and argue that our sources fictionalize these episodes, seeing wherever possible in the victims of the Principate a reputable and moralistic conservatism that looked back to the 'Golden Age' of Republican freedom, but even if Republicanism survived principally in the literary presentation of opposition (rather than in the '*realia*' of the issues that animated the political everyday), it remains significant that the discourses of politics retained their Republican gloss. In discussing his *Archaeology of Knowledge*, Foucault attempts to uncover the particular level at which history can give place to definite types of discourse, which have their own type of historicity, and which are related to various other historicities.¹⁴ Following such a lead, it seems necessary to investigate why the discourse of the time and the historical narratives of the period are full of Republican values, and how that would affect the politics of the first century AD. Republicanism may be dismissed as 'immaterial' in the late first century by some, but the language, the forms in which people speak opposition, are real enough. Discourse, by making sense of the world, shapes action. And actions affect the discourse. Takács has shown that the discourse of the Republic remained under the Empire and that rhetoric shapes public opinion (2009, xix; xxiii). She also defines reality as factual truths, which are historical, tangible occurrences such as social, political and economic events, whereas tradition is the interpretation thereof (2009, 150). Instead of deconstructing the sources to examine the '*realia*' that lie behind them, I ask what politics would look like if we took those sources seriously as contributions to the political discourse of society. What is of interest is not the motivations of those who wrote the sources, but what those discourses tell us about the power relations of the first century AD. This follows techniques employed by Foucault; instead of looking for events that cause the discourse we can look at how the discourse is articulated on practices that are external to it. Instead of using texts as 'documents', he explains how they can be used as 'monuments'.¹⁵ In this way, the texts by Seneca or Pliny, regardless of 'meaning' can show us what issues were important at the time. The truth of the text then comes to relate not to the accuracy of its representation of past events (which is so often far beyond our means of reconstruction), but in the way it reflects how Roman politics was thought about and understood. In so doing, we can often treat the historical record as if it is 'true', not in the sense that we can, for instance, accurately reconstruct the sexual proclivities of the Roman emperors, but that we can know what was said about the sexual lives of emperors and how what was said was understood.

Foucault suggested that by analysing politics in this way one would show whether the political behaviour of a society is shot through with a particular describable discursive practice.¹⁶ This work will use such a technique to investigate the part the Republic played in the discourse of the period, but also in the behaviour of the elite as handed down by the sources. This work is an attempt to re-think Roman politics in the Imperial period by using just such techniques. What interests, is how the power relations at work shaped the discourses, and how those discourses were used to support the power relations.¹⁷ I will argue that the texts of the first century AD show an ideological debate about the way Rome should be governed, and that these ‘monuments’ should be understood in the light of the historical events as handed down to us in the sources.

2. Limitations of the Sources

Naturally in the literary sources we are dealing with third party accounts of what happened. Sometimes those accounts are considerably removed in time from the original episode.¹⁸ Literary evidence is always of a highly selective nature.¹⁹ Further, we have very little idea what sources our sources used, and can hardly assess the reliability of those missing texts. Wardle has shown, for example, how the generation of lost historians who wrote on Nero, from which Tacitus, Suetonius, Plutarch and Dio probably all drew material, could all well have been anti-Neronian, and thus give us a slanted view of that particular *princeps*.²⁰ We cannot easily reconstruct the historical methodology of sources. We do not know whether they spent much time in archives, nor can we often assess the quality of the information in the archives and the ease with which that information could be extracted. The tendency of the ancient sources to dramatize and fictionalize is well known.²¹ Often, it seems unlikely that detailed first-hand reports of crucial events could have been made, still less preserved. Opposition to and conspiracy against emperors was, by its very nature, often covert, ironic, and implied.²² In a world in which none could speak out clearly, the confident attribution of motive to political action must have been difficult. At our distance and in the imperfect state of knowledge, we can have very little confidence in our understanding of political motives, and this opens the way to the traditional practices of historical deconstruction by which the ‘true’ or ‘real’ motivations of political participants are exposed. Prosopographical approaches, such as the famous work by Syme, *The Roman Revolution*, uncovered factionalism within Roman politics and in doing so replaced the ‘stated’ motivations of politics with new ‘true’

motives.²³ Although the speeches given in Tacitus et al. may be elaborations and literary constructions, they are deployed in order to tell a story. Suetonius, Tacitus and Dio hand down to us a tradition of individuals being executed for their belief in the Republic, or because of their Republican behaviour, or even because they wanted to restore the Republic. This needs to be investigated against the backdrop of the discourse of the period, not discounted because it goes against traditional scholarship. There are examples of men who were persecuted for a connection to the Republic, who were rumoured to desire a restoration of the Republic or who actually attempted to restore it. Death even came for those who owned busts of Brutus and Cassius. Whether the men were executed for Republican beliefs, or whether this was an excuse used by the prosecutors, or even if the sources invented these rationalizations of the persecution, it simply confirms that the Republic was a politically dangerous idea in the first century AD and that this was understood by the sources who wrote about the period.

Although we must bear in mind that our sources were writing with their particular agendas and commenting on their own lived experiences or personal histories, these potential distortions of their objective position do not invalidate what they have to say. Similarly, their personal opinion about whether a restoration of the Republic was desirable or not is often immaterial and frequently cannot be reconstructed. Tacitus' beliefs have been much discussed and many point to, for example, his distinction between the actions of Thrasea Paetus as worthless and those of Agricola as much more useful, and his contemplation of how a good man can do good things under the Principate, but the very complexity of Tacitus' work denies simplistic or bipolar categorizations of his thought.²⁴ Alston highlights the difficulties of reconstructing Tacitus' political ideology (2008, 149). For this work it is his description and explanation of the conspiracies and the workings of government in the first century AD that interests, not necessarily his personal view, nor, indeed, the necessary accuracy of his narrative and his reconstruction of political motives. The same goes for Suetonius; he cannot have known that Augustus twice thought of restoring the Republic any more than we can (*Aug.* 28.1) but he is handing down to us a tradition that this was the case.²⁵ The point is that some believed it to be so. It shows later sources' understanding of that possibility, their understanding that the Republic was not restored, and that the restoration was thought desirable, but could not be realized. That Suetonius was clearly aware that there was a change in the political structure and that he felt some individuals wished a return to the older form, are insights in themselves.

Even if all talk of attempts to restore the Republic or conspicuous displays of Republican behaviour or admiration leading to prosecution is simply an official line that found itself in the tradition because it was how the authorities wanted it portrayed then that such a Republicanism was reason for prosecution is illuminating indeed as it shows connections to the Republic were seen as dangerous by the Imperial regimes. This makes sense of the speeches of the informers under Nero, as handed down to us by the sources; the speech against Thrasea Paetus focused on his austere behaviour, retirement into private life and refusal to flatter Nero or Poppaea.²⁶

All depictions of political activity in the sources are inevitably deeply embedded in a political culture. The depictions are thus partial and particular and reflect the political debates and concerns of the period. For example, the Nero, as handed down to us, is a construct that emerges from a particular political context. Nero is thus in one sense a myth: a story that has significance for a particular society. The problem is made more complex since there is no guarantee that the 'myth' of Nero as it has come down to us is identical to the 'myth' of Nero that circulated in, for instance, AD 69 or AD 67, before Nero's death. A good example of this can be found in Nero's identification with mythological figures such as Orestes in his own lifetime, against Galba's representation of Nero's *avaritia* and *luxuria* leading the state to ruin.²⁷ The tradition that goes to form the myth is likely to have grown through accretion over time. Further complicating the problem is the certainty that 'mythic' stories of Nero emanated from different sources, differently positioned with relation to the Imperial court, and further that Nero and his court are likely to have propagated an image of the emperor, and to have responded to the discourses that surrounded the Imperial position.²⁸ The 'real' Nero cannot be separated from his depiction both in the sense that we cannot clear away the layers of discourse that surround the figure of Nero, nor can we separate Nero from those discourses which were formative of his Imperial position. The 'real' Nero is a methodological chimera. Nevertheless, it is by reading the discourses that we can understand Roman politics and it is in the debates therein that we can discern motivations that led to actions in the 'real' world of objects. We must be aware that the political discourse will have real world effects in motivating action, and the discourses are in themselves constructive of reality.

In what follows, I will explore the sources' ascription of a connection to the Republic. I will argue that much of the conservative and traditional behaviours of the Roman elite (in the late first century especially) could be and in fact was often associated with a Republicanism. Behaviour was politicized through this ascription of a

political value. It is the particular and somewhat peculiar ways in which this political behaviour manifested itself as opposition that prevents modern historians discerning in this activity a 'Republican ideology'. This political activity was frequently not directed towards a specific political goal (i.e. the restoration of the Republic), nor did the values find institutional form (such as a party or faction) and it has therefore proved difficult for moderns to recognize these activities as 'political' or 'ideological'. Republicanism has something in common with Utopianism, the depiction of an unreal and unrealizable ideal state. Yet, to recognize an ideology as utopian does not mean that it cannot have real political affects. Communism, as a utopian ideal, was certainly very different from the reality of 'communists', but it still had a huge bearing on the history of the twentieth century. Further, as I shall show in detail, the conception of the Republican, and indeed of what traditional or Republican consisted, was a matter of considerable debate. We can be sure that the conception of Republican values that operated in the Imperial period may well have had very little to do with the historical behaviours and practices of the period before 49 BC. I argue that there was a Republican opposition throughout the first century AD and that this opposition was ideological and was understood by the ancient commentators.

3. Definitions

Ideology

This work is the study of a political ideology and the relationship between political discourse and political events. However, 'ideology' is a loaded term. There are countless academic volumes on ideology itself.²⁹ However, the controversies surrounding the word, and the myriad interpretations and uses of it, have not rendered it useless for ancient historians. Gowing uses the term without any hesitation to describe Augustan rule as marking an ideological change (2005, 20–1). Similarly changes in *princeps* after Augustus could alter this Imperial ideology as Gowing again points out (2005, 24). In this sense ideology is used to represent the set of ideas that underpin (and justify) a particular political regime. In Gowing's view an ideology would then shift with regime change. In Clifford Ando's *Imperial Ideology and Provincial Loyalty in the Roman Empire* ideology is a set of ideas that defined membership of a political community, and thereby established the extent of the polity (2000, 19). Both these authors see ideology as a set of ideas that constructed and articulated the way of

life of those in the Empire determining how they see themselves and others and ultimately how they act. That ideology is 'Imperial' since, according to Ando, the ideas were propagated by the governing classes and intentionally spread around the Empire.³⁰

As is well known, ideology emerges as a concept from Hegelian thought in which 'the idea' (which we might think of as ideology) was both the driving force of history and the determining characteristic of an epoch.³¹ Each 'social formation' would be defined by its particular ideal/ideology and these ideals/ideologies organized the distribution of resource and social influence within a particular social formation. This idea was turned on its head by Marx in *The German Ideology* which argued that ideology was in itself determined by economic relations, an idea that was further developed in *Das Kapital*.³² In replacing idealism with a form of economism, Marxism came to treat ideology as a system of ideas which obscured the reality that the economy controls social forms. Ideology became 'false consciousness' that could be supplanted by 'true consciousness' of Marxism. For Gramsci and the Marxists of the early twentieth century, the task of the intellectual should be to inculcate a proper understanding of the world in the population, thus creating the conditions for revolutionary mobilization.³³ However it became increasingly clear to Gramsci in his solitude, that intellectuals might not support the course of history, paving the way to viewing a particular state as housing multiple ideologies. Yet, Gramsci preserved his Marxist credentials by arguing that these ideologies were supportive of particular economic and social formations, and that economic change would eventually determine the outcome of ideological and political struggle.³⁴ Nevertheless, the problems of an association of a particular economic formation and an ideological formation persisted within Marxist thought, in part because of the manifest differences in political viewpoints within particular societies, and the Marxist conceptions of false consciousness and the Gramscian idea of 'ideological hegemony' allowed ideology to become disconnected from the economic sub-structures of society. Georg Lukács argued that each class has its own ideology, whereas Poulantzas has shown ideology to be a relational phenomenon, rather than a product of a particular economic system.³⁵ At this point, the original Hegelian and Marxist idea of ideology as the defining set of ideas of an epoch, that made sense of the epoch and provided rationalizations of the particular economic and social relations, seems lost.

Eagleton notes the differences between the epistemological and political meanings of the term, as well as pointing out that if we define ideology as a system of doctrines that express class interests and are used in their realization, then Marxism is indeed an ideology

itself (2007, 90). Eagleton goes on to explain that ideology is a realm where different ideologies exist at any one time and opposing ideologies are in constant communication, drawing off each other and even stealing from one another.³⁶ As such, one ideology can be born from another. That different groups of people could subscribe to different ideologies (whether subconsciously or not does not really matter for our purpose) seems realistic. But in this reassessment of the importance of ideology in society, the definition of ideology becomes far more vague. Ideology can be weakened and come to mean any set of ideas by which reality is understood and constructed. In response to this, efforts have been made to revitalize the idea. Clifford Geertz's view of ideologies as ordered systems of complex cultural symbols is very similar to Parsons' description of culture as a symbolic system which maintains a set of normative ideas or regulatory symbols which are value oriented.³⁷ Ideology in this instance is in danger of being absorbed into culture, and yet there are reasons to keep the conceptions apart.

For our purposes Imperial Rome had a culture (a commonly understood set of symbols which represent a system) but within which there were normative or regulatory symbols which are oriented around different values. Such different values are ideologies. Individuals understand the symbols of their own culture, but respond to certain symbols in ways which manifest different values; the manifestation of this in debate is ideological. When Ando talks of an Imperial ideology, it seems probable that other ideologies existed, but Imperial and non-Imperial ideologies can exist within a single culture. When studying the Empire at large, these oppositional ideologies may spring from the past histories and lived experiences of, say, the Gauls before Roman occupation, but that does not necessarily mean that those who hold those ideologies are necessarily of a different culture.³⁸ So what of Rome itself? Clearly this should be the origin of most of that Imperial ideology. Where the Imperial ideology may have been successful across the Empire we may take it for granted that it would be a success in Rome too. But what does this Imperial ideology entail? Certainly part of its success across the Empire was its ability to foster a loyalty to the emperor himself. For Ando that was a constituent part of Imperial ideology. And naturally the same could be said of Rome. However, the sources are full of examples of the abject failure of certain emperors to foster this loyalty. There is constant opposition to individual emperors within the city; plots are hatched and emperors are assassinated. Most modern historians have put this down to the inherent selfishness of man and the ambition of each plotter in a survival-of-the-fittest type battle. But perhaps it should be seen in terms of a failure in Imperial ideology? The society of Rome

was sophisticated and nuanced; it was the cultural and artistic centre of the Empire. It was the seat of power and where the emperors were based, in theory if not always in physical fact, and it was the bureaucratic centre. As such we might expect that an Imperial ideology would be much more nuanced and complicated in Rome itself than in, say, a remote outpost in Mauretania. Romans would be much more susceptible to small changes in that Imperial ideology that occur with regime change. Where for the provincials it might not matter too much whether a Tiberius or a Caligula ruled, their different personalities and behaviour affected the lives of those living in Rome a great deal more. What we might see as micro-changes in the Imperial ideology, perhaps brought about by a change in ruler, say in the change from the emperor prohibiting senatorial performers to the emperor enforcing senators to perform, may have no discernible effects on the Imperial ideology in the provinces, but may radically alter the Imperial ideology in Rome. Lange's *Res Publica Constituta* is indeed about the ideology of the regime of Octavian.³⁹ That Tiberius could, either subconsciously or not, alter this ideology, and that the emperors after him would alter again or create another is perfectly plausible and to use ideology in this way is a useful analytical tool.

We have seen that ideologies conflict and that there can be several at work at the same time. Heywood gives a simple yet effective definition of ideology in the political sense as being a set of ideas that provides the basis for organized political action, regardless of whether to attack or defend the system of power (2007, 11). Imperial ideology in the sense which Ando uses it, for the provincials of the Roman Empire, was clearly employed to preserve the existing system of power. Naturally this was the case at Rome too; Imperial ideology served to keep the emperor in power. But Rome was much more sensitive to changes in emperor, which indeed changed or modified the society and therefore the Imperial ideology within Rome. In fact there could be differences in Imperial ideology between the city of Rome and the provinces. One needs only to look at emperors who allowed their worship in certain provinces, but not in Rome itself (e.g. Augustus).⁴⁰

The relationship between ideas and events is clearly two-way. As Heywood explains, political ideas do not emerge in a vacuum; they are moulded by the social and historical circumstances in which they develop and by the political action they serve.⁴¹ Mackie also points out the inextricable link between ideas and action.⁴² Ideologies shape historical events and historical events shape ideologies. The actions of an emperor could alter the current Imperial ideology subtly or even overtly. Ando himself points out that Roman Imperial ideology may not have been monolithic and universal.⁴³ In fact, he purposely sets

out to look for its flexibility.⁴⁴ An emperor may be affected by the Imperial ideology he is born into. But what makes the Roman Principate so interesting is that with his total power the emperor may decide to fundamentally change the ruling ideology. A commonly discussed example may be Nero's Hellenising.⁴⁵ Such a move could well have been in full knowledge of the changes it would bring about in Imperial ideology. Indeed it would seem Nero's actions did bring about changes in Imperial ideology if we compare texts of his regime, such as the *De Clementia*, with those of the Augustan and Tiberian periods. In fact for Eagleton, ideology can denote any important conjecture between discourse and political interests.⁴⁶ As Heywood explains, political theory and political practice are inseparably linked; ideology simply provides the perspective through which the world is understood or explained.⁴⁷ The emperor was the ultimate source of both power and legislation. His commands altered both the dynamic of the city of Rome and the workings of the Empire, while being the embodiment of his political theory, however unsophisticated or subconscious.

Surrounding the emperor would be differing opinions and political theories and so the distinct possibility of contending ideologies. The ideologies would be shaped by the events and lead actors down certain paths. In this sense Pliny's political theory as espoused in the *Panegyricus*, or Seneca's as found in the *De Clementia* are both reactions to events and in their own way shape those events.⁴⁸ Similarly, the panegyric poems of Statius and Lucan's epic could be seen as ideological responses to the Imperial position.⁴⁹ As I will argue later, the *De Clementia* is a monarchic tract written both to try to influence the monarch and as a description of the power political realities of the day. I will argue that the *Panegyricus* is written as a response to the Republican discontent of the first century AD and as such is an attempt also to shape future government and quieten critics of Trajan. Indeed, I will argue that where the *De Clementia* is a strictly monarchic or Imperial ideology, the *Panegyricus* incorporates Republican ideology of the first century AD and by doing so gives a place to dissonant elements in society in order to strengthen Trajan's position.⁵⁰

In this discussion, ideology comes to reflect contestation within a particular cultural formation. One can thus have an Imperial culture, but Republican and Imperial ideologies within that culture. Voloshinov defined ideology as the struggle of antagonistic social interests at the level of the sign.⁵¹ But for us, it is difficult to see the struggle as between different social interests. The issue is further complicated by the historical-political context in which this ideological dispute emerged. For there is little doubt that

Republicanism was cast as historical, meaning that it had its roots in the political and behavioural systems of the period before 49 BC. That system can itself be described as an ideology. But if we were to describe Republicanism as the ideology that sustained the socio-political system of the Republic (reasonably enough), it is abundantly clear that the Republicanism of the Imperial period was different in function. Nor can we see Republicanism as a 'spectral' ideology existing in ghostly nostalgic opposition to the Imperial world and its ideology, since, as the chapters below will show, it was pervasive within the Imperial period, and, as Pliny demonstrates, compatible with Imperial culture. Further, the values expressed by Republicans were not necessarily those of the mid-first century BC.

Eagleton points out that for Geertz ideologies only arise when the traditional rationales for a way of life have broken down, perhaps due to political dislocation.⁵² In other words, when one dominant ideology is struggling to maintain control, another will be born. Similarly Pierre Bourdieu proposes to view ideologies as doxa/ heterodoxy/ orthodoxy.⁵³ The stable, tradition bound social order is the doxa; any challenge to such doxa is heterodoxy. The old order must then reassert itself in a new orthodoxy, which is different to the doxa in that the doxa was silent and based on tradition but the new orthodoxy is compelled to speak in its own defence.⁵⁴ What arises in this case is competing ideologies. For us, the original ideology of the Republic, based on the traditions of the *mos maiorum*, was challenged by a new Imperial ideology (or heterodoxy), which in itself was born out of and drew on the Republic. In the first century AD, in response, a new Republican orthodoxy can be discerned. The fall of the Republic brought an end to the traditional ideology (doxa), but also gave rise to a new ideology. That Imperial ideology (heterodoxy) was both born out of the Republican ideology (doxa) and contested by a reassertion of those valued in a new form (orthodoxy).⁵⁵ One advantage of this system for us is that it could allow Imperial heterodoxy to be seen as oppositional to the hegemonic order in certain circumstances, for instance in Nero's innovative self-presentation.

Republicanism

The Romans did not have a word for Republicanism. But neither did they have a word for Imperialism, yet this term is often used by moderns with reference to the first century. Raaflaub has also pointed out that they had no equivalent Latin term for what we mean by opposition.⁵⁶ In the *History of Sexuality, Volume II*, Foucault explains that just because 'sexuality' as a word first appeared at the beginning

of the 1800s that does not mean there was a sudden emergence of that to which it referred.⁵⁷ As Morley points out, only by 'translating' ancient concepts into our vocabulary can we understand the past.⁵⁸ To rely purely on ancient categories to understand ancient society is limiting.⁵⁹ Winterling points out that ancient semantics offers no corresponding terminology for the subjects described in historical research by the modern terms of 'state' and 'society', but that they may still be distinguished analytically for the purposes of research.⁶⁰ I therefore apply 'Republicanism' to a political stance which appears to draw its prestige from an association with 'traditional' Roman values, or which appears to work towards a more Republican rule (whether a full blown restoration or in some more restricted and less ambitious form).⁶¹ One could talk of 'traditionalism', which would also be difficult to translate into Latin, but the association is not just with traditions of Rome, but also with its politics. Further, it is very difficult to extract the traditions of Rome from their Republican context. As the analysis below will show, moral values, religious practices and legal conventions were inseparable from political history.⁶² To reject those values was to separate oneself not just from the traditions, but also its political culture. It thus seems natural to use 'Republicanism', even if there is not a corresponding word in the Latin dictionary. Clearly individuals would vary in the strength of their Republican belief; some may aim at restoration, while others simply refused to work within politics if they disagreed with the emperors' behaviour or attitude, and thus withdraw to private life.

Modern scholars have translated *res publica* in a variety of ways. A good review of the meanings of the term can be found in Judge (1974). He shows that the term is used in roughly four different ways by the Latin sources. The traditional and basic meaning is 'common property' of the Roman people; all interests of the Roman people are embraced by such a term, whether institutional or material.⁶³ The second use is as what Judge would call a personification of the first and can be translated as 'the public good' or 'the country'.⁶⁴ Wirszubski also points out that *res publica* never just means state; it is not just a form of government but a purpose of government; it is a state that consists of the interest of all citizens and exists for them all.⁶⁵ In this sense a Republic, by its very nature, would be closer to *res publica* than a monarchy. Lind agrees.⁶⁶ The third meaning Judge ascribes to the term is 'order' or 'constitution' of the community; this is used in historical and political study such as in Cicero's *De Re Publica* and in, for example, Tacitus' comment that Tiberius acted as though he was still living 'under the old order', e.g. in the pre-Augustan Republic (*Ann.* 1.7; 1974, 283). Finally, following on from this, it can denote the particular type of 'constitution' or public order

that existed before Augustus, in other words the constitutional set up of the Republic as opposed to the Principate.⁶⁷ This is the origin of our word Republic; it was the meaning of Cicero's lament that the *res publica* is dying; it can be found in Valerius Maximus (8.15.5) and throughout Tacitus (*Ann.* 1.3; 1974, 284).⁶⁸ For Judge, this last meaning was not used during Augustus' own day as the change in governmental system was not entirely clear, but by Tacitus' time it was obvious, so the usage is much more common.⁶⁹ Judge sees the latter meaning as akin to democracy, but naturally such a view would depend on whether one saw the Republic as essentially democratic or oligarchic, which does not concern us here.⁷⁰ Regardless, he brings out the different meanings well.⁷¹ It is perhaps important to note that in Cicero's *De Re Publica*, the term is used in almost all cases to refer to the constitutional aspect of the state, i.e. the way in which power is structured internally, as Zetzel has shown (1999, xxxviii).

There was clearly, therefore, a Roman understanding that *res publica* could refer to the organization of the state before Augustus. Tacitus, for instance, writing just after Domitian, gave a summary of Augustus' reign as an introduction to his *Annale*:

iniuniores post Actiacam victoriam, etiam sene plerique inter bella civium nati: quotus quisque reliquus, qui rem publicam vidisset.⁷²

The younger men had been born after the victory at Actium; most even of the elder generation, during the civil wars; few indeed were left who had seen the *res publica*.⁷³ (1.3)

Here *res publica* is clearly used to describe the Republic and not the Principate. Tacitus also uses the term *res publica* for the old Republic in his description of Tiberius' wish that the consuls would take power from him:

ad vana et totiens inrisa revolutus, de reddenda re publica utque consules seu quis alius regimen susciperent, vero quoque et honesto fidem dempsit.

instead, by reverting to those vain and oft-derided themes, the restoration of the *res publica* and his wish that the consuls or others would take the reins of government, he destroyed the credibility even of the true and honourable part of his statement. (*Ann.* 4.9)

When Tiberius himself referred to the contemporary state of affairs, he is reported as using *res publica* (*Ann.* 4.19). However, Tacitus adds, 'it was a characteristic of Tiberius to shroud his latest discoveries in crime under the phrases of an older world' (*Proprium id Tiberio fuit*

scelera nuper reperta priscis verbis obtegere). Throughout Tacitus then, *res publica* can have connotations of the old political system, the Republic, and not the Principate.

Suetonius uses the term *res publica* in a similar fashion; when discussing Claudius' father Drusus, he says that he desired to restore the *res publica* (*rei p. ... restitutum*; *Claud.* 1.4). Suetonius also tells us that Augustus twice thought of restoring the *res publica*; *de reddenda re p. bis cogitavit* (*Aug.* 28.1).

However, Suetonius also records a supposed edict from Augustus himself, describing the constitutional position:

Quam voluntatem, cum prae se identidem ferret, quodam etiam edicto his verbis testatus est: ita mihi salvam ac sospitem rem p. sistere in sua sede liceat atque eius rei fructum percipere, quem peto, ut optimi status auctor dicar et moriens ut feram mecum spem, mansura in vestigio suo fundamenta rei p. quae iecero.

His good intentions he not only expressed from time to time, but put them on record as well in an edict in the following words: "May it be my privilege to establish the *res publica* in a firm and secure position, and reap from that act the fruit that I desire; but only if I may be called the author of the best possible government, and bear with me the hope when I die that the foundations which I have laid for the *res publica* will remain unshaken". (*Aug.* 28.2)

Having told us Augustus twice considered returning the *res publica*, here meaning Republic as a category of constitutional organization, the Augustan edict then appears to use *res publica* in a sense more equivalent to 'state'. Augustus thus restored the Republic, in the sense of restoring much of the legal and constitutional framework that is associated with it, but does not return to the state of government seen before 49 BC which we, and of course contemporary Romans, associated with the 'Republic'. Instead, he established a new status, which we call the Principate or the Empire. This partly shows the difficulties of translating the term, but is also to be expected. After all, Augustus went out of his way to embed his rule within the *res publica*, to highlight the fact that it is not a *res privata* and so a monarchy or *regnum*.⁷⁴ Augustus continued to apply the term *res publica* to his system of government as in the *Res Gestae*,

In consulatu sexto et septimo, postquam bella civilia exstinxeram, per consensum universorum potitus rerum omnium, rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli.

In my sixth and seventh consulship, after I had extinguished civil

wars, and at a time when with universal consent I was in complete control of affairs, I transferred the *res publica* from my power to the dominion of the senate and people of Rome. (RG 34.1)⁷⁵

Although there is considerable controversy over whether Augustus did indeed claim to have restored the Republic, it is clear that at some point the Romans agreed that there was a fundamental difference between the political system established by Augustus and that which preceded him.⁷⁶

To Tacitus and Suetonius therefore there was often a clear connotation of the term *res publica*. So too for Pliny; he tells Trajan that ‘we believe the *res publica* still exists’ (*ita versemur in re publica ut credamus esse rem publicam*; *Pan.* 93.3) and by doing so is trying both to flatter Trajan and to placate those who truly wished the Republic did still exist, as we will see. Clearly the term had connotations pertaining to the previous political system for the ancients. That the Roman historians perceived that there had been a Republic and it was followed by a monarchy is clear. Naturally this may not have been the case early in the reign of Augustus, but by the reign of Tiberius I would argue that it was. Velleius Paterculus wrote around AD 30 that after Actium:

restituta vis legibus, indiciis auctoritas, senatui maiestas, imperium magistratum ad pristinum redactum modum, tantummodo octo praetoribus adlecti duo. Prisca illa et antiqua rei publicae forma revocata.

validity was restored to the laws, authority to the courts, and dignity to the senate; the power of the magistrates was reduced to its former limits, with the sole exception that two were added to the eight existing praetors. The old traditional form of the *res publica* was restored. (2.89.3)

That Velleius did his best to show continuity from the Republic into the regimes of Augustus and Tiberius, will be shown later. But here he clearly claims that the old and traditional form of the Republic had been restored, probably after the triumviral period. We may discuss what exactly was meant by ‘old’ and ‘traditional’ form but he clearly links the Republic to something hallowed and ‘traditional’; his desire to show continuity in the reigns of Augustus and Tiberius with that of the traditional Republic was due to the importance of the Republic as a concept in the first century AD.

In the face of such references, we cannot dismiss all talk of the *res publica* as apolitical, referring only to ‘the state’. Although Gowing shows that in many contexts the phrase does mean ‘the state’ he also

points out that under Augustus it must have meant what we term the Republic (2005, 4–5). For Gowing, the term *res publica* can be used as a cultural and chronological marker by both moderns and ancients (2005, 6).

The ancient historians did see a clear difference between the Republic and the Principate. For Greek authors such as Dio it was clear. Discussing the Augustan settlement he writes:

His very first act was to secure a decree granting to the men who should compose his bodyguard double the pay that was given to the rest of the soldiers, so that he might be strictly guarded. When this was done, he was eager to establish the monarchy in very truth. (53.11.5)⁷⁷

How far the stylized, idealized image of the Republic during the first century AD actually corresponded to the historical reality is not our concern. The perception of what the Republic was – a Republican ideology – is much more important. Examining the memory of the Republic, Gowing has shown that different regimes tried to manipulate and reform that memory. Republicanism was not necessarily a coherent political programme. Some strove to restore the Republic; for them the political system was key. Others adhered to Republican virtues and behaviour, the *mos maiorum*, and by doing so made obvious their Republicanism. This retained a political dynamic as is demonstrated by the persecution of such conservative citizens.

The Republic, its history and memory, clearly shaped action; it operated as an ideology. Men fought and died to restore the Republic – to change the political system in Rome. Others idolized key Republican figures; some displayed busts of tyrannicides. Were such moves simply ‘traditional’ it is unlikely they would have been prosecuted in the law courts, executed or forced into suicide. The sources are unanimous that certain connections to the Republic led to persecution and were seen as evidence of dissidence by various Imperial regimes. Therefore this Republican ideology clearly affected the politics of the first century AD.

4. Potential Counter Theories; Traditionalism – Roman Virtues or Republican Virtues

In the chapters that follow I present the *mos maiorum* as an integral part of Republican ideology. One could argue that what I perceive as Republicanism is simply traditional Roman virtues. But that is to miss the point. The *mos maiorum* was not a written code of behaviour. It

was a set of precedents and traditions that changed over time and were used to guide behaviour.⁷⁸ These traditions were not static, but in constant flux. They were also political. As Wallace-Hadrill has argued, it was the job of the *nobiles* (the political elite) to know, imitate and transmit the *mos maiorum* (1997, 13).⁷⁹ So politicians had to guard the *mos maiorum*. Ando has shown that in the Late Republic there was a development of ideological representations whose function was to sublimate the interests of the dominant land owning elite into a set of ideals that justified their rule (2003, 76). The *mos maiorum* were just such a set of ideals. They ensured the superiority of collective government and subservience to that collective, thus working against the rise of the individual, through making excessive ambition et al. seem immoral. Politics and morality were clearly intertwined.⁸⁰ As Wallace-Hadrill points out, without moral authority there can be no political authority (1997, 12). Sallust has Metellus following the *mos maiorum* because he listens to the advice of the senate, a political body (*Jug.* 62.5); clearly the *mos maiorum* were in part to protect the political system.⁸¹ That tradition was very much the tradition of the Republic.

Livy associates the *mos maiorum* with the great men of the Republic. The kings were not seen as upholding the *mos maiorum*. The kings may have redeeming qualities, but as Miles has shown, their charisma is individualistic and not based on tradition (1988, 203).⁸² But once into the Republican period, the *mos maiorum* appears in Livy. For example, Camillus is conspicuous for his respect for tradition (*mos maiorum*) and adherence to the established political institutions; he recognizes prerogatives of the senate (5.20.2–3); he submits himself to the Roman courts (5.32.8–9); he pays deference to traditional values and institutions (5.25.4–8; 12.32.8).⁸³ Similarly Livy gives to Appius Claudius a speech beseeching people to follow the *mos maiorum*:

liberty has come to mean at Rome, that a man respect neither senate nor magistrates, nor laws, nor *mos maiorum*, nor institutions of the fathers, nor military discipline. (Livy 5.6)⁸⁴

Sallust, on giving a brief account of how Rome ended up in the Catilinarian ‘situation’ equates the morals of the country (*moribus civitatis*) with the institutions of the forefathers (*instituta maiorum*) and the *res publica*.⁸⁵ He speaks of the golden age of the Republic when good morals were cultivated at home (*Cat.* 9) and attacks Sulla for the corruption of his army with luxury and licence which was against the *mos maiorum* (*Cat.* 11). A Republican hero such as Cato wants to follow the *mos maiorum* in punishing the conspirators (*Cat.* 52). In the *Jugurtha*, Metellus calls together a council of senators and obeys their advice, which Sallust explicitly links to following the *mos maiorum*

(Jug. 62). The *mos maiorum* were equated with the Republic and were integral to its political well-being. Enemies of the Republic were described in the sources as going against the *mos maiorum*.⁸⁶ And those Romans who fought for and followed the Republic itself were seen as following the *mos maiorum*. The *mos maiorum* were important to the Romans precisely because they ensured the well-being of the political system.

From another angle, Smethurst has shown that for Cicero only when the authority of the senate is supreme can the moral tone of the state be assured. He explains that Cicero links the survival of the *mos maiorum* to the survival of the Roman state (Republic) and that a utopia or golden age of the Republic did indeed exist before the constitution was corrupted by the likes of the Gracchi, Crassus, Sulla and Caesar. To restore that golden age a restoration of the *mos maiorum* is necessary.⁸⁷ In this way Cicero fundamentally links the *mos maiorum* to the Republican constitution. Cicero wrote that ‘before our own time, the customs of our ancestors produced excellent men, and eminent men preserved our ancient customs and the institutions of their forefathers’.⁸⁸ This highlights the importance to him of the *mos maiorum* in producing excellent men to serve the Republic in the various institutions such as the senate.

The *mos maiorum* was embedded within a tradition, but it was an explicitly Republican tradition. When writers of the first century AD look for examples of those who upheld the *mos maiorum*, they found Republican examples, however stylized.⁸⁹ I present Republicanism as the politicization of the *mos maiorum* (or Roman traditionalism) in the first century AD. This politicization reflects the importance of moral values in Roman political life. The Republican system relied on the *mos maiorum*, or certain virtues inherent within, to operate. For example, *moderatio* served to restrain excessive ambition and ensure the good Republican man was happy with holding only one or two consulships. The failure of the *mos maiorum* is presented to us by the sources as integral to the fall of the Republic; corruption of Republican form of government is ascribed to the decay of key virtues such as *moderatio*, *pietas*, *virtus*, *frugalitas* etc.⁹⁰ These Republican virtues are not virtues of, say, the regal period. As such, morality (based on the *mos maiorum*) is bound up to such an extent with the idea of popular ‘aristocratic’ government that the *mos maiorum* would clearly be a part of Republican ideology in the first century AD.⁹¹

Eder has argued for a wide definition of ‘Republican’ since the Roman Republic was based on the consensus of the powerful and a system of traditional concepts and principles that could be adapted to changing realities.⁹² These concepts and principles, the *mos maiorum*, were Republican in essence. They had been formulated over the

centuries of the Republic side by side with the Republican 'constitution'. Flower shows that the Romans did not have a separate name for their political system and simply equated it with the community's interests (2004, 2). Republican politics were inextricably linked to the *mos maiorum*. In fact, as Lintott shows, the *mos maiorum* came to be regarded as ancient traditions that the conservatives idealized and used as a counterpoise to new developments which they saw as rooted in corrupt statutes.⁹³ The *mos maiorum* served to protect the Republic. When one looks at the kind of virtues the sources praise, they are virtues of the community such as *moderatio*, *frugalitas*, *pietas*, all designed to uphold the Republican political system.⁹⁴ Syme has also shown that the Republic functioned through precedent and religious prescriptions, the *mos maiorum* and *auspicia*.⁹⁵ The *mos maiorum*, therefore, were tied to the Republic and the political community. They were in their essence political.⁹⁶

It does not matter that men of the Republic were immoral or also flouted tradition. It is the presentation of such men in the sources as in breach of the *mos maiorum* and enemies of the Republic, and that this stylized Republic came to be the basis of Republican ideology from the end of the first century BC to the end of the first century AD. Takács has pointed out that the discourse of the Republic remained under the Empire; it was the traditional moral code of the Republic's aristocracy that guided and defined virtuous men. Such men were the political class. Whether the fact that tales of individuals sacrificing themselves for the state were fictitious or not is immaterial; when they are imitated, the fictitious construct becomes real.⁹⁷ The *mos maiorum*, for Takács, operated within a shared behavioural code structure, grounded in traditional values.⁹⁸ The political enemies of the Republic are continually shown as acting against these collective values that served to protect that collective. The onset of the Principate would mean the emperor would be assessed based on such a code, despite the collective having been usurped by dictatorship. This would ensure difficulties for the emperors, and left a potential minefield for them to negotiate.

That Republicanism existed in the first century AD is not an a priori assumption. The naming and identification of this ideology may rest on modern modes of writing about politics, but that ideology is demonstrable from our evidence. The identification of Republicanism is thus an interpretation. As we will see, the literary sources are full of examples of men who were persecuted for a connection to the Republic, whether it was obvious displays of Republican morality, the ownership of a bust of Brutus or Cassius, an attempt to restore the Republican form of government or for writing a history that extolled the virtues of the Republic and its great protagonists. The sources tell

us men died for following too closely the *mos maiorum*. It seems unlikely that these individuals would be in such trouble if this was some apolitical ‘traditionalism’. When seen as something much more political, referring to the preferred state of the constitution, or as critiquing contemporary society, or as criticizing the behaviour of the emperors, or even of a self-alignment with a tradition of opposition, then it makes sense of the emperors’ strict and seemingly unpopular measures against such individuals.

5. Competing Ideologies: *Panegyricus* vs. *De Clementia*

In AD 100, Pliny the Younger gave his *gratiarum actio* to thank Trajan for his suffect consulship of the same year. An extended version was published after AD 101.⁹⁹ In the same way that Seneca gave his *De Clementia* at the beginning of Nero’s reign, as a form of political program for the upcoming regime, Pliny’s work has been seen as both a manifestation of an Imperial ideology calculated to appeal to Trajan, and a form of didactic tract written in order to encourage Trajan in ‘correct’ behaviour.¹⁰⁰ The work was written more than 140 years after the death of Julius Caesar and the speech given to a senate and society that had lived under the Principate for more than one hundred years.

If we adopt Gowing’s belief that by the time of Trajan the Republic had ceased to serve any serious purpose, such Republican archaism would seem either hackneyed or meaningless (2005, 6). Although even Gowing admits that a few decades earlier the Roman elite ‘rarely talked about the Republic in dispassionate, coldly objective terms’ (Gowing 2005, 8) and, in the Neronian period, that ‘the members of the aristocracy were being specifically targeted as Republicans’ (Gowing 2005, 70).

But if Gowing is right, and if we read the *Panegyricus* against the backdrop of Seneca’s *De Clementia*, which can be read as advice to monarchs and acknowledges and treats as a given, the absolute power of the emperor or *rex*, the *Panegyricus* is something of an enigma. Yavetz would have us believe that Pliny’s purpose was simply to depict Trajan as beloved by the highest and lowest alike (1987, 147).¹⁰¹ If so, the fact that the text is full of Republican *exempla*, imagery and ideological echoes needs explaining. Long after the absolutism of Roman monarchy has seemingly been acknowledged and theorized by Seneca, and also by the likes of Statius, Pliny’s archaisms are a puzzle, and one which cannot easily be dismissed as

overly fulsome praise or literary topoi.¹⁰²

Seneca had moved away from traditional Republican terminology in order to proclaim the praises of the just king, even using the ‘hated’ term *rex* instead of *princeps*. In fact he seems to purposely blur any distinction that had survived the first emperors.¹⁰³ This new language of monarchy does not, however, figure in the *Panegyricus*. The return to the old language of Republicanism, what one could describe as an archaizing turn, was not simply a conservative act of nostalgia. Perhaps perversely, Pliny himself presents the *Panegyricus* as a vision of the future, expounding a future ideology of the Republican *princeps*. After Domitian’s reign, that was so disastrous for the senate, a speech celebrating and anticipating better times might be expected. But one replete with Republican terminology requires further investigation. Pliny’s professed aim was to educate and encourage:

I hoped in the first place to encourage our emperor in his virtues by a sincere tribute, and secondly, to show his successors what path to follow to win the same renown, not by offering instructions but by setting his example before them. (*Ep.* 3.18.2)

After many years of the Principate one might expect its subjects to have grown accustomed to the language of monarchy.¹⁰⁴ But Pliny’s education in monarchy deploys the language of Republicanism.

After a brief introduction, immediately Trajan is referred to not as a divinity or a god but as a fellow citizen (2.3). He is called ‘one of us’, a man himself as well as a ruler (2.4). Pliny claims that Trajan is aware that he is addressed not as *princeps* but as himself (2.8).

Although Trajan banned private and public expressions of thanks he would not intervene against Pliny’s vote of thanks since it was decreed by the senate and he would not dare oppose the senate’s will (4.1–2). Pliny explains that he is *princeps* because of his traits, created not by civil war but in peace and through adoption, his only link to Nerva being mutual excellence (4.7; 5.1; 7.3). He trusts, by implying that this is the correct way of searching for a successor, that when Trajan looks for a successor he would not simply look to his own children but to all his subjects in order to find the most worthy among the people (7.5–6). Trajan’s adoption was the basis of security, happiness and freedom (8.1). Importantly, the senate and people approved the adoption (10.2).

He praises Trajan for not searching and aiming for the Principate but simply for serving his country to the best of his ability as a soldier, and by doing so the Principate came to him (9.2–3). Such a stress on duty to one’s country echoes the actions of the heroes of the Republic who took office in order to protect the state, and not out of ambition. Pliny even claims that Rome has a leader who ranks with her heroes

of old and compares him to such Republican heroes as Fabricius, Scipio and Camillus (12.1; 13.4). In fact, now that society has degenerated into watching combat in the arena, he praises the fact that Trajan follows the *mores* of their ancestors and the valour of their fathers (13.5). Trajan fought in battle personally, leading his men (13.1), without using his horse on the march (14.3).¹⁰⁵ He knows the names of his soldiers (15.5). He has rekindled military discipline and allows commanders to earn the respect of their troops without being suspicious (18.1–2). On campaign, rations are the same for all (20.3).¹⁰⁶ Pliny continues, praising the fact that Trajan embraces the senators and on his very first day as emperor he was accessible to all (23.1–3). As emperor he still goes by foot and still works hard; he will not allow subjects to grovel (24.2). He is approachable and affable (24.3–4).

Hugely important for Pliny is the issue of the Law. Trajan rules the senators but no more than the Law of the land does.¹⁰⁷ His *beneficia* are not inspired by hope of impunity for his misdeeds (28.2). He took measures to suppress the informers that had been so rife under Domitian (33.4–36.1). By doing so he ‘ensured that a state founded on laws should not appear to perish through the laws’ abuse’ (34.3).¹⁰⁸ Here Pliny suggests that the Law, properly applied, was once the guarantor of freedom. Pliny purposely differentiates between informers and senators, praising Trajan because the islands where senators were once exiled were now crowded with the informers whose power had been broken for all time (35.2). In consequence the treasury was clean and not full of blood-stained spoils (36.1). The legal theme continues:

the laws still command respect, and public utility is in no way diminished; but a new vengeance is added to existing penalties, and the sole innovation lies in the fact that men no longer go in fear of informers: instead they fear the Law. (36.2–3)

The Law controls everything, even the treasury. Pliny praises the fact that the same court serves the Principate and the cause of liberty and that it is the exchequer which often loses its case, which shows the honesty of the regime (36.4). Under Trajan the laws take precedence; citizens can bring a case against the treasury itself and expect to win if their cause is the right one. In Pliny’s attempt to define the working relationship between senate and *princeps* he emphasizes the subordination of the *princeps* to the Law.¹⁰⁹ As Morford shows, Pliny advocates *moderatio* on behalf of the *princeps* and a promise to observe the laws; in return the senate will show *obsequium* which is a virtue if exercised for the good of the Republic.¹¹⁰ Whereas Lucan had ranted about the absence of Law in

the Principate, Pliny insists that Trajan is a law-abiding citizen-emperor. The whole text places emphasis on this citizenship, while teeming with Republican terminology.¹¹¹ This is clearly an attempt to portray Trajan in Republican terms. Law is crucial in Pliny's portrait of Trajan and was, as we will see, also the cornerstone of the Republic.

Trajan cancelled collecting old debts from previous reigns and refused to accept gifts of money (40.5; 41.1). The hated treason law was removed; wills were allowed; freedom of expression defended (42.1; 43.1). Trajan chooses his friends from the best of his subjects (45.3). Pliny commends Trajan's morality explaining that he can do more for the morals of his country by his own good conduct than by compelling the citizens to follow his lead; morality should be learned from example not fear (45.4; 45.6). This draws an obvious contrast with the moralising legislation and administrations of both Augustus and Domitian. The result of this is a general moral restoration to the extent that the same populace who used to applaud the mimes (a favoured entertainment of the immoral) now supposedly damn them (46.5). He has even honoured the troublesome philosophers and teachers of rhetoric, restoring the liberal arts (47.1). He is an example to Romans, a precedent for the future, unlike the emperors before him, and more like the great Republican heroes of Fabricius, Scipio and Camillus (12.1; 13.4).

Again Pliny commends his accessibility to all the people of Rome (47.4–5). Trajan receives everyone in person; but he also allows absence, so that people are not compelled to constantly attend to the business of the emperor and those who absent themselves are not suspected of treachery; even his leisure time is spent in public (48.1–2; 49.5). He eats in public where everyone can see his *frugalitas* (49.5). With regard to buildings Trajan would not dare dispossess owners for his own greed; excessive Imperial possessions are sold off; land was even given back to the state from his own property; the nobility are once again masters in their own homes and can even own the gardens of a famous general if they so wish without a jealous emperor coveting it (50.1–7). Restraint is shown over further building, but public works are done quickly and to a high standard (51.1–3). Such behaviour followed the *mos maiorum* of the Republic.

Whereas previously the senatorial business had been filled with pointless adulation, now the senators can finally participate in the government of the Empire:

it is in obedience to your wishes that we assemble in the House not to compete in flattery but to practice and render justice. (54.5)

Pliny praises the restraint Trajan has shown in accepting honours

and putting up statues. Instead of gold statues,

Caesar's portrait is there for all to see, fashioned from the same bronze as that of a Brutus or a Camillus, and for the same reason – for they expelled the tyrant kings and conquering foe from the walls of Rome. (55.6–7)

Again, Trajan is compared to Republican heroes. The reference to Brutus is to accentuate the regime change after Domitian.

Trajan's refusal of a third consulship was praised:

And so ordinary people enjoyed the honour of opening the year and heading the official calendar, and this too was proof of liberty restored: the consul now need not be Caesar. The year began in freedom in the same way after the kings were expelled long ago, with the appearance of individual names in the calendar marked the end of servitude. (58.3)

Here Pliny is comparing the start of the Republic with the first days of Trajan's reign. For Pliny, the fact that Trajan showed restraint in his consulships gave the senate more freedom. He attacks, for example, the perpetual consulships of his predecessor (58.4). As in the Republic, in time of need the great men were called upon for help and advice, and similarly Trajan also relied on those with proven pedigrees, even if it meant giving them more consulships (61.7). In granting a consulship to Frontinus, despite his second consulship in AD 98, Trajan delighted the senate as he was the senate's choice also (62.1–2). Pliny shows that Caesar's approval and disapproval rests on the same objects as the senate's (62.5).¹¹² Pliny places great emphasis on the collegiality of the senate and the *princeps*; emperor and senate shared the same aims. Both want good men in magistracies and the state to prosper; Trajan is emotionally and politically a senator.

Trajan's behaviour towards the senate is crucial. He was present at the election to his third consulship, showing deference to the senate and its rituals and traditions (63.1). Thereby the people of Rome saw Trajan in the ancient seat of their former power (63.2). Pliny praises Trajan's patience in sitting through the long ceremony, asking how many of his predecessors would have done the same in honour either of their consulate or of the people (63.3). He commends Trajan for taking the oath on accepting the consulship from the presiding consul, even going as far as to approach him standing while he sat (64.1). Trajan actually swore the oath to him, acting no differently from one of his subjects (64.3–4). Pliny's tribute to Trajan's submission to the laws was in full knowledge that no one expected that these laws would apply to the emperor, but Trajan was unwilling for his

privileges to extend beyond the senate's (65.1):

There is a new turn of phrase which I hear and understand for the first time – not “the *princeps* is above the law” but “the law is above the *princeps*”; Caesar bows to the same restrictions as any other consul. (65.1)

And again,

The first day of your consulship had hardly dawned before you entered the senate-house and exhorted us, individually and collectively, to resume our freedom, to take up the responsibilities of the power we might be thought to share, to watch over the interests of the people, and to take action. (66.2)

Pliny refers to the previous hesitation of the senate to speak openly. Their caution in the face of the tyranny of Trajan's predecessors ensured they looked to their own safety and not the Republic which had been utterly destroyed (66.4). But now, as is implied, Trajan the senator had somehow restored this destroyed Republic.

Pliny praises the fact that promotion is now open to merit, and that Trajan urges the young to canvass the senate not the emperor himself for political advancement; he even claims the *princeps* and candidates are equal (69.2; 71.3).¹¹³ Trajan sat in court for three days over the trial of Marius Priscus, but acted solely as consul, permitting all the freedom to offer opinions and allowing the senate the benefit of hearing every man's views (76.1–3). Trajan is scrupulous in judicial proceedings and has a deep reverence for the letter of the Law (77.3).

Trajan calls himself consul not emperor and addresses the praetors as colleagues (77.4). In fact, his deference to the senate is such that Pliny exclaims ‘we know that it is your intention to set up liberty in our midst once again’ (78.3). Pliny is suggesting that *libertas senatoria* is again possible, as it was under the Republic, despite having an emperor in place, but only because that emperor is Trajan.¹¹⁴ This is earlier alluded to in the comparison between Trajan and Brutus whose expulsion of the kings established the rule of the senate and people and began the Republic itself (55.6–7).

His virtue is there for all to see; his *frugalitas* at dinner (49.5); he is strict but not cruel (80.1); his leisure time is spent in pursuits that were popular in the days of old, such as hunting (81.2); his wife is a model of ancient virtue following Trajan's lead in rejecting pomp and avoiding any sense of intimidation (83.5–8).¹¹⁵ Trajan does not like the excessive theatrical performances or the effeminacy of past regimes; he stopped stage performances (54.1–2). Pliny gives the story of a man who wished to retire from the senate; Trajan did not want

him to leave, but allowed him nonetheless, seeing him off to the boat, embracing him goodbye and acting as a real friend (86.1–6). It was not a political withdrawal into a voluntary exile, an act of opposition; it was the actions of a tired man, and Trajan allowed it.¹¹⁶ He is a moral, trusting and kindly man, unwilling to assert his power over his fellow senators.

Pliny finishes the *Panegyricus* with his strongest arguments in praise of Trajan:

There is still something which demands praise beyond all else: the fact that when you have made consuls you allow them to act without interference, by which I mean that there are no fears nor perils as regards the Emperor to weaken and destroy their spirit; the consuls will not have to listen to anything against their will nor have decisions forced on them. Our office retains and will retain the respect due to it. (93.1)

Pliny applauds Trajan for allowing the consuls to fill their role as they did before the days of emperors (93.3). And in return the senate show their gratitude ‘by playing an active part in public affairs to show we believe that the *res publica* still exists’ (93.3).

Gowing can state that Pliny did not believe Trajan actually restored the Republic (2005, 25) and that seems a fair assumption, but then why say it? If the Republic had indeed ceased to have any serious ideological meaning then it can be explained away as rhetorical.¹¹⁷ But even then, for it to be rhetorical there must have been a connotation to the language used, such as terms like *res publica*. It seems much truer to the ancient sources to assume that the term meant something and had a resonance with the audience – that this was something desirable for at least some of them. Coupled with the list of men who were executed or forced into suicide for their behaviour being too close to the *mos maiorum*, their wish to restore the Republic or their ownership of busts of Brutus and Cassius, it could be seen as more political than the hackneyed prose of an obsequious civil servant.¹¹⁸ In other words senatorial involvement in government was a key part of a *res publica*. A full *res publica* would, therefore, be government by the senate. Trajan’s virtues, his adherence to the *mos maiorum* of the Republic (or how Pliny perceives them), and his inclusion of senators in government is Pliny’s explanation for why the Republic still exists. Why did Pliny choose to give such a speech, using such terminology and ideology? Why have it published if it was anachronistic or hackneyed, meaningless or obsequious panegyric? I suggest Pliny’s *Panegyricus* was in fact politically very important and the result of decades of struggle between competing ideologies – what one might call the Imperial and

the Republican.¹¹⁹

The *Panegyricus* is acutely different to Seneca's *De Clementia* of AD 55.¹²⁰ Like Pliny, Seneca also claims he is not flattering the *princeps* (2.2.2). Book 1 reads like an oration on kingship, giving the necessary qualities of the ideal king. Interestingly, it is the *princeps* who is seen as the one in complete control of the Empire; the people are called 'discordant, factious and unruly' (1.1.1). Seneca talks of Caesar who 'at an earlier day, in fact, so clothed himself with the powers of *res publica* that neither one could be withdrawn without the destruction of both' (1.4.2–3). He tries to link the *res publica* to the individual emperor in order to highlight Nero's importance. In fact, the work is full of metaphors for Nero controlling the government; he is, for example, the soul of the *res publica*. The *De Clementia* also completely ignores senatorial partnership in government. The body is simply not mentioned.¹²¹ Not only is the senate ignored, but Seneca also uses the supposedly hated term *rex* in his explanations of the Imperial position. Since the seven kings of earliest Rome, the term *rex* had been despised to such an extent that even such an unabashed monarchist as Caligula did not use the term.¹²² It is Seneca who restores the word into the vocabulary of political discourse, not as a term of insult but of approbation; 'Yet of all men none is better graced by mercy than a king or a *princeps*' (1.3.3).¹²³ At one point Seneca almost seems to be drawing attention to the fact that *rex*, like *princeps*, is only a name:

Therefore it is not strange that kings and *principes* and guardians of the public order, whatever different name they bear, are held more dear even than those bound to us by private ties.¹²⁴ (1.4.3)

Despite Seneca's development of an Imperial political ideology that verges on the absolutist, Pliny portrays the emperor as a man who obeys the laws of the land. Furthermore, he is a moral man, disciplining himself by following the customs of his Republican ancestors. Pliny's emperor guides and is guided by the senate. Law, morality and behaviour are paramount. Not so for Seneca; the absolute power of the *rex* is emphasized. There is no law which can restrain him. Because of this, it is not so much his morality as his ability to show mercy that dictates how good an emperor he will be. The themes of law, behaviour and morality are treated in very different ways by Seneca and Pliny.

Where Seneca insists on *clementia* as the key virtue, highlighting the complete control of Nero the king, Pliny instead emphasizes the rule of Law. In the Republic a citizen was safeguarded against tyranny and oppression by laws which enshrined the rights of the citizens. Seneca explains that clemency exceeds the demands of justice; Nero's mercy judges cases not by the letter of the law, but in accordance with what

is fair and good (2.7.3).¹²⁵ Seneca also writes that Nero is the choice of the gods and it rests in his power to decide what each man's lot and state shall be (1.1.2). Moreover, Seneca has Nero say 'I should guard over myself as though I were about to render an account to those laws' (1.1.4), implying that although he might show respect to the law, Nero is himself above the laws.¹²⁶ As Cooper and Procope have shown, in Greek political theory, the difference between a tyrant and a king was that the latter ruled 'according to Law over willing subjects' (1995, 124).¹²⁷ For Seneca, the Law was now irrelevant to the *king* of Rome; his moral character, and especially his mercy, was paramount. The tone of the *De Clementia*, its obsession with mercy as a tool for rulers and its disregard of the senate and the people of Rome, make the piece a description of the state of play in AD 55 as being clearly monarchic; the Principate is a monarchy. By the time of Nero, the political system had changed fundamentally from that of the Republican period; where Cicero's *De Re Publica* based the difference between a tyrant and a king on justice, Seneca's *De Clementia* based it on the mercy of the ruler.¹²⁸ But since this tract was published in AD 55, and since Trajan obviously had as much power as Nero, Pliny's *Panegyricus* is radically different in its understanding of the Principate and contemporary politics.¹²⁹

It is because of such strong Republican imagery in the *Panegyricus*, that the piece has been seen as of doubtful use for an historian.¹³⁰ Gowing sees the *Panegyricus* as giving Republican *exempla* but only so that he can show how Trajan has surpassed them.¹³¹ He sees the new *libertas* that Pliny speaks of as requiring a *princeps*¹³² and that Rome is better off under the Principate than the Republic, if a man like Trajan is at the helm.¹³³ However, Gowing does have some problems squaring the 'blatant assertion of the senate's prerogatives' that are so clear in the *Panegyricus* with the belief that the main aim of the work is to show how Trajan has surpassed the Republic.¹³⁴ In this way, the Republicanism of the *Panegyricus* is dismissed by Gowing in favour of an Imperial tag, despite the problematic assertion of the senate. But, this common belief that there was no Republicanism so late in the Principate makes the *Panegyricus* a problem: it seems that only the most politically obtuse could have taken it seriously.¹³⁵ Can we really read the *Panegyricus* in this way, as either a deeply ironic or an obviously flawed piece of political presentation? Gowing's recent explanation of it does not really help us move away from this conundrum. The fact remains that it is very unlikely that Pliny, an experienced politician and a writer of some experience and repute, would have published a work that would be scoffed at as obsequious nonsense. The blatant assertion of senatorial prerogatives and constant comparisons of Trajan to Republican predecessors cannot be ignored.

The work is shot through with Republican ideology. This tells us something of the power relations working at the time, and warrants investigation. Although much of our information, and in particular the evidence of Pliny's own collection of Imperial letters in Book 10, suggests that Trajan may have taken a more obviously monarchic stance in the latter years of his reign, we cannot simply see Pliny as an eccentric. In a similar way, just because Nero was not always an advocate of mercy does not invalidate the importance of the *De Clementia*.

As the *De Clementia* emphasizes the importance of morality for the ideal ruler, so Pliny provides us with a moral reading of Trajan, but it is a particular ideological reading in the context of the Republic, Republican virtues and Republican institutions like the senate, very different to Seneca's theory of the 'good king'. It seems likely that Seneca's writings were circulating widely when Pliny was writing and that contemporary Romans would be aware of the ideological implications of the *De Clementia*. It is also probable, given the recent experience under Domitian, that many contemporaries of Pliny would have had an understanding of the Imperial position similar to that of Seneca. Thus, both 'Senecan monarchism' and 'Plinian Republicanism' are likely to have been circulating in the political salons of Imperial Rome at the same point and have been part of discussion and debate concerning the political system.¹³⁶ Competing ideologies can battle for supremacy in any society; Rome was no different. In the *De Clementia* and the *Panegyricus* we have two different texts espousing two different ideologies – the one more monarchic and the other more Republican.

That scholars have seen the *Panegyricus* in the light of the ideal senatorial emperor is perhaps not surprising. But what is surprising is that the constant comparison between Trajan and Republican figures and the consistent use of Republican language in AD 100 appears not to threaten the modern historical assumption that Republicanism as a political force and even as a political philosophy was dead and buried long before that time. Coupled with the presentation in the sources of the men who died for a connection to the Republic, a love of the *mos maiorum* or a desire to restore the Republic, this seems odd indeed. So why have historians not generally accepted the existence of Republicanism in the first century AD?

First, individual conspiracies have not often been seen in the light of a desire to restore the Republic or in terms of trying to enforce a more Republican style of governing. Historians have tended to assume that most ideological Republicans were killed in the civil wars and proscriptions, and that Augustus' long reign had accustomed everyone to the new status quo, acceptable as it was due to the peace it brought

them. Where opposition has been investigated it is almost always done so in the context of an established monarchy, and so in terms of factions fighting for the throne. Clearly there are some examples of such opposition, but such men do not form the focus of this study. Prosopographical studies have also encouraged the link between opposition and dynastic reasons, or factions being spread through family ties. Again, that is a reasonable assumption but it does little to investigate the motives as stated in the sources. Family feuds cannot fully explain the opposition. The possibility of opposition on an ideological level has not been fully investigated. Wiseman is right to question why the history of Athens is read as essentially ideological whereas the history of Rome is not, instead being seen as a struggle for power.¹³⁷ He points, among other events, to the Gracchi and their land distribution programme (depicted by Cicero and Sallust as splitting the state in two), as evidence for the ideological conflict in the politics of the Republic as handed down to us by the sources.¹³⁸ When a new system of government is brought in, it is perhaps to be expected that there would be opponents to it on ideological grounds and that despite one side losing the physical battle, such opposition would continue. In Chapters 1 and 2, we will highlight some key individuals and events to show that there is indeed evidence for Republicanism therein.

Secondly, texts such as Pliny's *Panegyricus* have simply been discounted as being fulsome praise for an autocrat.¹³⁹ But if we take it seriously, re-reading it in the light of the events of the first century AD, it is possible to see the work as a reaction to the Republicanism of the period and a manifesto for more Republican government by Trajan. Wood and Wood have argued that even Greek texts by Socrates, Plato and Aristotle are ideological in content. Their theorizing was in response to conflict; they were not neutral.¹⁴⁰ I read texts such as the *De Clementia* and the *Panegyricus* in the same way, in order to show that these 'monuments' of the past highlight an ideological debate that was going on in the first century AD, and that when the events of the period are investigated in tandem with them, there is serious evidence for Republicanism as an ideology.

It is possible that several generations of absolute monarchic rule had debased the political discourse of Rome so that the ideological content of such Republican allusion had been stripped bare. Bartsch argues that Pliny is attempting to restore political meaning to the language, though the argument rather weakly depends on Pliny's own assertion that his language has 'true' meaning.¹⁴¹ But it is quite a radical step to dismiss a form of political language as empty and contrived, full of proud phrases, but insignificant. It is not that politicians do not lie and perhaps also often do not mean exactly what

they say, but to turn a whole political discourse into a deliberate, technical, meaningless, display is to devalue such political rhetoric to an extraordinary extent. The more natural assumption is that Pliny chose to use this particular language and that this language had a vitality and resonance with his audience that goes beyond the aesthetics of rhetoric into the ideologies of politics. The natural assumption is that words matter.¹⁴² Seneca's ideology used distinctly different language, comparisons and examples when setting forth Nero's 'manifesto' for government; there was not a Republican hero in sight. Trajan's Pliny did the opposite, and it is difficult to believe that the *De Clementia* was not part of Pliny's literary and political education. By concentrating on the similarities between Trajan and the good men of the old Republic, he can show the reign of Trajan in Republican terms. The deference paid to the senate; the taking of oaths and inclusion in senatorial protocol; the refusal of too many honours; the obeisance to property rights; his military exploits in instilling discipline; his *frugalitas* and *moderatio*; his lack of an entourage; his accessibility and affability; his consultation of the senate and, above all, the fact that the magistrates are left to govern, are all cornerstones of the Roman Republic. These are not virtues or actions that go well with monarchy. And it is for precisely that reason that Pliny can claim that tyranny and the Principate are diametrically opposed (45.3). He is trying to show that there can be senatorial *libertas* under a *princeps*. Moreover, it is exactly this type of language that Tacitus echoes in the *Agricola* in his claim that Nerva and Trajan have reconciled those abstracts previously held opposite: *libertas* and the Principate (*Agr.* 3.1). As the date usually ascribed to the *Agricola* is AD 98, it seems that, like the *Panegyricus* of two years later, this reflected the political discourses of the time.¹⁴³ In this reconciliation of seeming opposites, Pliny is trying to depict Trajan as a Republican emperor.¹⁴⁴

If we take Pliny seriously (and the alternative is too simplistic), the *Panegyricus* suggests that the concept of the Republic did, in fact, have major significance in AD 100, even if it is unlikely to have meant the same as it did in AD 41 and still less likely to have had the same resonances as it had in 44 BC. Political concepts, especially central ideas such as liberty, equality, democracy and justice, tend to shift meaning in both the modern world and the ancient affecting the course of political debate.¹⁴⁵ But shifts of meanings do not mean that such words and concepts have no force; quite the opposite. This work will concentrate on this issue of Republicanism and its meaning. My argument is that, contrary to what many have assumed, there was indeed a Republican ideology that ran throughout the first century AD which, however mutable, manifested itself in opposition and led to a

constant ideological battle at the heart of Roman politics, and which emperors ignored at their peril.

It has been said that an integral history should start with concrete phenomenon before laying the foundation for an investigation into the attitudes of the day.¹⁴⁶ I will start by analysing the sources' representation of certain opposition to the emperors to show that there was an ideologically Republican opposition throughout the period, even if it did change from a more militant to a more moral one over the century. This is the evidence for the existence of Republicanism. I will then move on to a look at the discourse of the first century to show that it is full of Republican ideology, which should be seen in the light of the power relations of the period.

Part I

The Evidence for Republicanism

Chapter 1

Opposition I: Overthrowing the Principate

In the previous chapter I argued that different ideologies exist at the same time. I also argued that there was an Imperial ideology, however mutable this may have been. This changing ideology, shifting with the accession of different men to the throne (and possibly within certain reigns), throughout the Imperial period is almost taken for granted by modern historians, despite the conceptual complexities of the notion of ideology discussed above. Raaflaub speaks of understanding the ideas of opposition against the background of the ideas and ideology put forward by the emperors (1987, 130). Having defined my terms in the previous chapter, it is time to scan the opposition to the emperors in order to ascertain whether the sources describe opposition by those who wished a return to the Republic, or by those who wished a government more in line with the ideals of that Republic, however stylized and however misguided and mythical or however anachronistic those ideals may have been during the first century AD. The journey through the opposition is therefore selective. Certain events of great importance, such as the conspiracy of Sejanus, have been left out completely.¹ This is because I only investigate opposition where there is evidence for, or debate about, Republicanism as handed down to us by the literary sources. The events around Sejanus, however important in their own right, add nothing to the discussion because neither Suetonius, Tacitus nor any other literary source ascribe to him any Republican motivations. This work does not suggest that Republican sentiment lay behind every conspiracy of the first century AD, not even that it lay behind most of it. Instead, I focus on the evidence for the rise of an ideology, and one that did indeed inspire some opposition, however limited this was to certain echelons of Roman society. Not all accounts of the conspiracies of the period are obviously Republican in nature and such events have been left aside unless they help this investigation. Some ambitious men certainly conspired for personal gain, to become emperor. But this chapter will show there was also some opposition on Republican lines according to the sources. The Republic is depicted as existing in the hearts and minds of some opponents to the Imperial regimes. For

some, the Republic was seen as a viable alternative government; for others, that great behavioural and moral code of the Republic, the *mos maiorum*, was seen as the guiding light for their own behaviour, modelled on the great men of the Republic, or as the set of ideals that their emperor should follow, based on, again, the moral leaders of the Republic. We have already seen how intensely political the *mos maiorum* was during the Republic. This in itself explains Augustus' obsessive public elevation (and re-invention) of them as he strove to portray his regime as a restoration and continuation, as opposed to a replacement. I argue that they continued to be politically charged under the emperors of the first century AD.

Modern scholars have tended to see opposition in individual terms, attributing motive as normally being ambition or greed.² It is likely that plots were hatched simply to replace an emperor. Similarly, it is seemingly apparent that not every opponent of an emperor desired a restoration of the Republic. In fact, after the reign of Claudius there is remarkably little evidence for attempts to restore the Republic of pre-49 BC. This does not mean, however, that we should then assume that there was no ideological Republican opposition as most modern scholars have today. Just because an ideology may have been confined to the fringes of practical constitutional activity, it does not thereby necessarily cease to exist, nor does it cease to have influence.³ In the Piso conspiracy the protagonists avoided including an M. Julius Vestinus Atticus supposedly 'lest he should arise as the champion of liberty' (Tac. *Ann.* 15.52). Clearly opposition with very different aims could co-exist. As we will see, Republican opposition could also manifest itself in the adoption of certain patterns of behaviour. As Baumann points out, under some regimes defamation of the emperor was treated in the same fashion as an assassination attempt (1974, 2). This only makes sense if there was a danger for emperors from such behaviour. Tacitus' account of the trial of Thrasea Paetus, however distorted it is as an account of the event, stresses the offence caused by Paetus' demeanour. Adoption of the 'wrong behavioural code' was treated extremely seriously and such treatment only makes sense if the adoption of such behavioural codes was indicative of certain political values. Such actions are evidence for a coherent and inter-related code of political and behavioural values (an ideology) and of an ideological conflict in Roman society in the first century. Like other ideological conflicts, this battle was fought in different realms and with different weapons. It was fought in the conspiracies and political violence of the first century. It was played out in the law courts and the prosecutions of the enemies of emperors. It was a feature of senatorial debate in which factions postured as to the nature of the Imperial regime. But it was also fought over in the discourses of contemporary

society: the poetry, the philosophy and historiography. And it is through these literary sources that the divisions in Roman political society are most obviously displayed to us.

Yet the nature of the ideological debate creates for us a methodological problem; the debate was not organized around institutions, parties or philosophical schools.⁴ In a monarchic and perhaps totalitarian state, opposition did not manifest itself around labels. Such ideological groupings as there were seem extremely loose and ill defined and without a clear body of 'doctrine' or criteria for 'membership' ascribing individuals to 'tendencies', and even identifying those 'tendencies' is problematic. This is even more problematic in the case of Roman politics since political labels are so very rarely employed.⁵ Such a construction of ideological difference is, of course, very different from the early Christian period, when the process of labelling theological groupings was central to debate. In the Roman Imperial period, as to a certain extent in the Roman Republic, ideological groupings disappear before one's eyes. This is, of course, neither an unusual nor an unexpected phenomenon. We are familiar with political difference within a particular political grouping being identified by subtle signals or even in code which is difficult for those outside the system to identify and understand. The very point of discussing such difference in code is to render them obscure, and provide deniability. In the politics of Imperial Rome, where the stakes were so high, one would expect to see much more of this 'double-speak'. Further, political debate in general is often over the ownership of certain concepts such as 'freedom', 'community', 'nation', 'the people', or 'family values'. Political thinkers with radically different perspectives can use the same evaluative language to describe their policies. For instance, all modern politicians will claim to be 'family-friendly', but will differ radically as to how that aim is enacted and understood. In the Roman Imperial period, many politicians looked back to the values of the Republic, and asserted their status as inheritors of that Republican tradition. Different sides can lay claim to following the *mos maiorum* and an Augustus can claim to restore the Republic. We are thus looking for something (ideological debate) which covers its tracks, and thus its existence can sometimes seem like an act of faith.⁶

Where we can, uncontentionally, see Republican opposition is at the end of the Republic. And before looking to the reigns of Augustus and Tiberius, I consider the effect of Brutus, the assassin of Caesar, on the generations following. Clearly he could be seen as the key Republican opposition to the reign of the emperors, as he murdered Caesar. In his study of opposition to the Principate, *Enemies of The Roman Order*, MacMullen describes the *libertas* that Brutus had in mind on

assassinating Caesar; it was the freedom of opportunity to exert the weight of family influence in the senatorial oligarchy; it was the desire for free movement of power among the members of the traditional oligarchy; it was, in short, free access to the 'political trough' (1966, 13). It was Brutus' desire for a *libera res publica* that led to his insistence on killing only one man, the tyrant himself, as only this murder would be morally acceptable.⁷ He refused to murder Antony. Brutus was clearly a Republican hero: a man who murdered a tyrant in order to save the Republic. It is no surprise that his memory would become a political weapon. MacMullen points out that a cult developed which by keeping his memory alive, had a political use that was repeatedly turned against the emperors of the first century AD: MacMullen argues that praise for Cato struck at the memory of Caesar, but praise for Brutus did more as he had murdered the adopted father of Augustus and afterwards fought Augustus himself in 42 BC (1966, 18). Clearly any praise for these Republican heroes during the Principate was political and MacMullen argues that Cato and Brutus were used by those who wanted to show hostility to the emperors or by those who wished to 'reach out towards other men's minds and infect them with their opinions' (1966, 18).⁸ As we will discuss later, Cremutius Cordus' trial brought up the memory of just such men as Brutus, Cassius and Cato and as a result he found himself condemned. MacMullen sees dangerous sentiments surviving among the Republican nobility and the government taking them seriously (1966, 20). MacMullen argued that the memory of these Republican heroes was a danger to the regime, that they were used by the regime's opponents and that the *libertas* Brutus strove for had a clear impact on the first century AD. All this seems both credible and most likely. It is therefore something of a shock to find that despite this analysis of the importance of Cato, MacMullen writes that he can only find Republican beliefs in Cordus (1966, 32) or that by the time of Lucan it was acceptable to glorify the Republic in a poem (1966, 27). One wonders what he makes of Lucan's end. Despite the fact that men were later prosecuted for having busts of Brutus or Cassius in their homes, or that men were attacked for writing biographies of Cato, MacMullen prefers to believe that other factors led to their prosecutions. This has tended to be the usual line taken by modern historians. But this is an unlikely conclusion, especially considering MacMullen commented on Cassius Longinus' prosecution for having a bust of Cassius that 'what did matter was the popular belief, or mythology, that saw in Republicanism an enemy of the Principate' (1966, 22) whereby MacMullen accepts that as late as the time of Nero there was a popular conception that Republicanism was an enemy of the Principate, but he denies it actually held any sway at all.

This is surely in part a reflection of the difficulty that we face in ‘pinning down’ Republicanism in the Imperial period and in the face of an ‘ideology’ which has little obvious institutional or doctrinal manifestation, some have chosen to downplay its role.

In the following sections I will contest the assumption that there was little or no Republican opposition in the first century AD. I will argue that under Augustus and Tiberius there was an emerging debate about the Republic and Republicanism and the nature of the Principate itself. By the time of Tiberius Republican histories had become deeply subversive, as the trial of Cordus clearly shows. Under Caligula and in the early years of Claudius there were definitely attempts to restore the Republic that failed due to the lack of popular support.⁹ Here, the emerging ideological tendency was developing a political programme, possibly in response to the absolutism of Caligula. Under Nero there is an upsurge in the prosecutions of individuals due to their behaviour, according to our sources. Men are attacked and killed due to the way they live their lives or the moral code they follow. When the offending behaviour, as given to us in the sources, is looked at, it is clear that it is following the Republican *mos maiorum*. Acting like a hero of the Republic, even in one’s private life, could lead to death. Following the *mos maiorum* too conspicuously could lead to prosecution. This only makes sense if there was a clash of ideologies and some kind of debate going on at the time between the Republican and the Imperial. Moreover, I argue that stoicism was supportive of, and secondary to, Republicanism in these men who fell. Previous scholars had referred to a ‘stoic opposition’ and in doing so were searching for a coherent ideological line to the opposition of the day.¹⁰ Once this theory had been attacked, as the tenets of stoicism were shown to have little political bias, then the idea of an ideological opposition fell with the notion of stoic opposition. Republican ideology was ignored by the likes of Wirszubski, Syme, MacMullen, Rudich, Rutledge and Gowing, to name but a few, due to its failure to act in constitutional politics.¹¹ I argue that by the time of Nero Republicanism was a mode of discourse, an ideology and not a simple political programme. This explains the several cases in the sources of men who followed the Republican *mos maiorum* or owned busts of Brutus and Cassius and died for it.

In the following section we will see how the opposition began to form under Augustus and Tiberius as well as the debate concerning what the role of the emperor and senate actually was; an ideological opposition began to form, and Tiberius had to resort to prosecutions of those, such as Cremutius Cordus, who spread it. Then we will see that under Caligula and Claudius there were clear attempts to restore the Republic, which failed due to a lack of popular support. Following

the reign of Claudius the main Republican opposition seems to change to a moral opposition; it uses ostentatious displays of certain behaviour (in line with the *mos maiorum*) in order to advertise its opposition. Men retire to show their discontent and continue to write anti-monarchic works. The group centred on Thrasea Paetus and Helvidius Priscus will be shown to be linked by their promotion of Republican values more than a stoicism. We will also investigate the interesting Republican ideology surrounding Macer and Galba to show that this was used as a way to rally Republicans behind their cause. The sources continually tell us that men were prosecuted for praising the heroes of the Republic, for owning busts of Brutus and Cassius, for writing about Cato; the sources tell us that men were prosecuted for showing too much respect for the *mos maiorum*. By taking the sources' interpretation of this opposition seriously we see the evidence for Republicanism in the actions of the individuals, as handed down to us by the ancient historians.

Augustus and Tiberius

Although Augustus was the first to add verbal injury to treason, as an extension to the *lex iulia maiestatis*, the law was supposedly rarely used during his reign.¹² The tradition is of Augustus being extremely tolerant towards published and spoken criticism; indeed he even counted as friends the likes of Asinius Pollio, Messalla Corvinus and Livy – men who wrote Republican histories.¹³ Similarly some of the Augustan poets have been read in terms that criticize the regime, particularly Ovid.¹⁴ Under Augustus, only Ovid and Cassius Severus were actually exiled; the former's exile is shrouded in mystery and he still wrote while away and the latter seems to have been exiled for slanderous attacks on various members of the elite.¹⁵ The sources portray Augustus as tolerant of written works that disagreed with his regime or criticized him. Under Tiberius all this changed with the case of Cremutius Cordus, who wrote under Augustus and about Augustus' achievements (Dio 57.24.2). Although Cordus work may have been controversial and highlighted Augustus' failings as much as his successes, it does not appear to have aroused official censure. Indeed, Suetonius uses him as a source for his account of a rather unflattering event where Augustus had senators searched and only allowed them to approach him one at a time (*Aug.* 35). Augustus himself even read the history according to Dio (57.24.3). The historian praised the tyrannicides Brutus and Cassius (Dio 57.24.3; Suet. *Tib.* 61); he venerated the men who had assassinated Julius Caesar, the adopted father of Augustus. Under Tiberius, however, his history was banned

and the man prosecuted in the senate (Tac. *Ann.* 4.34). Rutledge argues against the usual explanation for this being the result of personal animosity from Sejanus, and suggests that as the *imagines* of Brutus of Cassius had been banned by Augustus, perhaps he gave a public reading of his work which broke the spirit of the ban by praising these men (2001, 96). A reading of the sources' accounts of the episode is certainly suggestive of the danger of such histories. Tacitus gives Cremutius Cordus a defence speech that uses Livy as his precedent:

Livy, with a fame for eloquence and candour second to none, lavished such eulogies on Pompey that Augustus styled him 'the Pompeian'; yet it was without prejudice to their friendship. Scipio, Afranius, with this very Cassius, this Brutus – not once does he describe them by the now fashionable titles of brigand and parricide, but time and again in such terms as he might apply to any distinguished patriots. The works of Asinius Pollio transmit their character in noble colours; Messalla Corvinus gloried to have served under Cassius: and Pollio and Corvinus lived and died in the fullness of wealth and honour! When Cicero's book praised Cato to the skies, what did it elicit from the dictator Caesar but a written oration as though at the bar of public opinion? ¹⁶ (Tac. *Ann.* 4.34)

He goes on to cite poems by Bibaculus and Catullus that were allowed to circulate by Julius and Augustus despite their comments against the Caesars (*Ann.* 4.34). Under the guise of the wisdom of the Greeks, Tacitus has him claim that words should be left alone or avenged with words only (*Ann.* 4.34). Cordus continues; 'are Brutus and Cassius under arms on the plains of Philippi, and I upon the platform, firing the nation to civil war?' (*Ann.* 4.35). Tacitus cleverly suggests that this was exactly the worry of Tiberius; that such men would lead opposition against his reign and cause a civil war. Tacitus' Cordus ends by hinting at things to come and claiming that by his condemnation he himself is one of the last of the Republicans, and will be remembered with Brutus and Cassius and that the Republic is dead (Tac. *Ann.* 4.35). This raises a series of issues: what had changed so that Cordus was prosecuted under Tiberius, but not under Augustus, and was his historical work different in political tone from those he cites as his predecessors in historiographic opposition to the regime?¹⁷

Some scholars have seen the Augustan application of the epithet 'Pompeian' to Livy¹⁸ as meaning 'Republican', suggesting that it was possible to write as a Republican under the Principate.¹⁹ However, this is to simplify a complex political and literary situation. In the first instance, Augustus claimed to have restored the Republic and thus to

accuse Livy of being a Republican would have made little sense.²⁰ Taken literally, it could simply mean that Livy supported the Pompeian cause in the civil war and perhaps opposed a Caesarian solution to the conflict.²¹ Taylor sees Augustus as trying to lay claim to the Republicanism of Cato (1949, 162). Regardless of the implication or nuances of the term, the anecdote must be seen as a suggestion by Augustus of a difference in political persuasion between Livy and Augustus. Yet, it is highly unlikely Augustus wanted to highlight the fact that Livy was more Republican than he was himself, when Augustus' whole self-presentation revolved around continuity and restoration. Decades later the term may have had rather different connotations. It was acceptable under Augustus for Livy to be a Pompeian, but Cordus' more explicit Republicanism, supposedly tolerated under Augustus, was not acceptable under Tiberius. So when the Principate turned Tiberian such a man was somehow seen as dangerously subversive.

With the accession of Tiberius, the unique position of Augustus ceased to be quite so unique and hence Roman political thinkers could not ignore the shift in the political system. A shift in the hegemonic ideology was thus necessary. Tiberian supporters wished to display continuity with the Republic, but did so in terms of Tiberian superiority.²² Authors like Cordus who stressed the excellence of the Republic proper, or praised its mythical leaders, or lamented its fall, could suddenly be in opposition to the regime.²³ This makes sense in ideological terms. Cordus' history praised a form of Republican government that he identified with the pre-49 BC period, and praised the valiant and failed defence of that system. In so doing, he differentiated his views from those of the Imperial circle who sought to present themselves in the language and traditions of the Republic. Cordus was thus presenting himself not simply as a 'Pompeian', but was defining a category of Republican from which Tiberius and his supporters were excluded.

By making a comparison between his political stance and Livy's 'Pompeianism', Cordus would seem to be eliding a distinction which is very clear in later authors between support for Pompey and support for the traditions of the Republic.²⁴ Cordus' writings would seem to make a powerful political point in identifying this Republicanism with the very essence of Roman identity. This explains the link between the Roman *mos maiorum* and political dissidence that we see in later reigns, such as under Nero, Vespasian and Domitian. The 'Romans' thus became extinct with Cassius and Brutus, and in this he seems to be a precursor of the later tradition which would identify the Republican hero not in Pompey but Cato. Cato became the standard-bearer of Republicanism, whereas Pompey emerged as an alternative

princeps. The Pompeian–Catonian nomenclature offered two possible interpretations of opposition to the Augustan regime, one (the Pompeian) was perhaps more tolerable than the other (the Catonian). One could thus argue that calling Livy a Pompeian would make him an ‘acceptable’ opponent of the regime, at once acknowledging and emasculating Livy’s opposition. Being a Catonian, however, was potentially different, which makes the elision of the difference in Tacitus’ version of Cordus’ defence particularly subversive.²⁵

That said, Livy was not simply expressing opposition, as an Antony may have done to Augustus. He was extolling the virtues of the Republic. Livy venerated the assassins of Tarquinius Superbus, and by highlighting Brutus’ bravery and oath to avenge Lucretia and stop the line of tyrannous kings, there was a clear parallel to Brutus, assassin of Caesar (1.59). The claim that Brutus was as determined to guard the newly founded liberty as he had been in achieving it could also be seen as provocative (2.1). In praising the Republic, Livy’s work was ideologically Republican. Under Augustus a critique of the present through a panegyric of the past Republic was possible.²⁶ After all, those under Augustus were closer to the chronological Republic. Moreover, Augustus’ political savvy meant that he tried to encourage praise for the Republic while linking his own regime to it and presenting it as an extension of that Republic.

Under Tiberius, Cordus faced prosecution for a ‘Republican’ history. Whether Cordus was attacked for his past works, or whether he continued writing ‘subversive’ tracts under Tiberius, we do not know. Augustus presented his regime as an extension of the Republic and allowed praise of Brutus and Cassius and even Cato. One might have expected that Tiberius’ insistence on following Augustan form and his emphasis on maintaining Republican tradition would guarantee continuity and Cordus’ safety. But Cordus is an important marker for the opposition. He is the first man in Tacitus who attests to the end of the Republic and is thus a Republican martyr.²⁷ Tiberius’ obsession with following Republican tradition was exposed as the flag of the Republic was used as a symbol of opposition, but that Republicanism is also identified with Roman values. Thus, the dispute was extended from a narrow constitutional issue to become a wider issue of identity and custom, which ensured the later politicization of the *mos maiorum* and the many prosecutions based on a man’s behaviour. Gaius, for whom the Republic was obviously over, and who may thus be seen as in agreement with the fundamental tenets of Cordus’ analysis, allowed the republication of Cordus’ histories.²⁸ He felt no need to pretend his was a Republic.

Two other historians, Titus Labienus and Cassius Severus, also had their works burnt, but the dates and contexts of these acts are

uncertain.²⁹ Although many place the burning of Titus Labienus' works under Augustus, it fits better with the tone of the Tiberian regime.³⁰ It seems that with different ideologies at work, an emperor could either embrace it as Augustus did, ignore Republican sentiment, as Caligula did, or attempt to stifle it. Censorship, burning of books and attempted control of a nation's history is often the recourse of regimes that fear another ideology gaining strength; one only has to look to Nazi Germany or Stalinist Russia to see regimes that pushed their own ideology while trying to stifle others. The banning/ burning of books is always ideological. But individuals continued to write works that were attacked by the regime.

The period also sees a number of conspiracies. Naturally, conspiracies could arise for a variety of reasons and often we do not have enough information to piece together motives and understanding these events as opposition is often difficult.³¹ One of the clearer examples is the 'conspiracy' of Marcus Primus and Murena and events surrounding it. Murena was advocate for Primus, who was on trial for making war on the Odrysae when governor of Macedonia. Both men seem to have been close to the emperor; there is considerable controversy over Murena's identity and whether he was the (intended) consul of 22 BC or not, but there was certainly a familial connection to Maecenas and Augustus' inner circle.³² Presumably Primus was also close to Augustus as he held a significant command as governor of Macedonia and was being defended by Murena. It is not inconceivable that Primus was being prosecuted precisely because of his proximity to Augustus. The well-connected Murena therefore took up the defence of his powerful friend. The trial was controversial in that Primus claimed that Augustus, or Marcellus, had told him to attack. Issuing such instructions would have been beyond Augustus' legal jurisdiction. Augustus, without having been called to the trial, turned up. Murena inquired who had called for him, to which Dio has Augustus answer, 'the *res publica*' (54.3). He then went on to deny any such order. Many senators voted to acquit Primus, but to no avail. This seems to have resulted in a conspiracy against Augustus which included Murena, although Dio has the instigator as Fannius Caepio.

Suetonius refers generally to this and other conspiracies and even attempts at creating a new state:

After this he nipped in the bud at various times several outbreaks, attempts at revolution, and conspiracies which were betrayed before they became formidable. The ringleaders were, first the young Lepidus, then Varro Murena and Fannius Caepio. ³³ (Suet. *Aug.* 19)

Dio claims that Murena was 'immoderate and unrestrained in his outspokenness toward all alike' (52.3.4). Murena was trying to protect

a friend and his defence was jeopardized by Augustus. Yet, it can hardly have been a surprise to him that this was a politically controversial case, since it both directly involved members of the Imperial family, and the defendant was such a prominent individual, accused of what was, essentially, a political crime. Murena might perhaps have assumed that Primus' political connections would save him, but the appearance of Augustus at the trial showed that Primus could expect no protection from the *princeps*. Augustus not only undermined the defence by denying that either he or Marcellus had sent such an instruction, but removed any political support that Primus may have had. Assuming that anti-Augustan senators would have voted to condemn Primus anyway, after Augustus' intervention, pro-Augustan senators would also be encouraged to condemn.

Although the effect of Augustus' intervention is reasonably clear, motivations surrounding the case are less obvious. It seems possible that the attack on Primus was in part an attempt to embarrass Augustus. If Augustus might have hoped for acquittal, the defence was perhaps more embarrassing than the prosecution itself, and this leaves open what Murena and Primus were trying to achieve, other than Primus' acquittal. If it were to be accepted that Primus had received instructions, then the un-Republican nature of Augustus' Republic would be displayed. One could argue either that the prosecution was aiming to expose the insidious nature of Augustan power, or Murena was so doing in order to save his friend, and that he thought that the political price that Augustus would have to pay was slight. In other words, exposing Augustan Republicanism as a sham was hardly politically damaging. Augustus would seem to have taken a different position and the result was the conviction and political destruction of Primus. Yet, when Augustus showed no interest in protecting his one-time friends and allies, he offended the basic tenets of Roman political life, and, perhaps understandably, moved his former friends into an oppositional camp, and it was this political fragmentation that resulted in the conspiracy. Although one cannot know whether the alleged plot was an attempt at restoring the Republic, the Primus–Murena episodes are evidence of an emerging debate under Augustus about the nature of the Principate, and of Republicanism. Murena's outspoken attack on Augustus could in itself be seen as Republican, reflecting the freedoms of the traditional aristocracy and thus could be treated in parallel to the historiographical expressions of opposition and thus underlines the political complexity and fluidity of a situation in which many laid claim to the legacy of Republicanism and the meaning of Republicanism was hence disputed.

A similar confusion and complexity surrounds the exiles of the Julias. Julia the Elder was prosecuted in 2 BC for excessive immorality

and adultery with Iullus Antonius, the son of Mark Antony, among others.³⁴ Seneca, Dio and Pliny describe the fall of Julia as the result of a conspiracy.³⁵ Julia the Younger was exiled in AD 8, also for adultery with a D.Iunius Silanus. A year before, Agrippa Postumus was exiled for his immoral character. It is tempting to see these events as palace intrigues, with limited ideological importance.³⁶ Yet, the involvement of so many aristocrats and senators in 'adultery' with Augustus' daughter and granddaughter, despite Augustan legislation on adultery, suggests a positive political act rather than mass sexual incontinence.³⁷ Against the background of Augustan legislation, adultery could be seen as oppositional and a perverse display of *libertas*.³⁸ The flouting of conventional sexual *mores* was already established as a means of expressing discontent in the Late Republic.³⁹ The refusal to accept an Imperial morality could be seen as reflecting a feeling that the Principate had usurped traditional rights. As Augustus sought to claim 'traditional' *mores* for his Republican restoration, so a rejection of those *mores*, while clearly anti-Augustan, could be Republican in the sense that they developed a system of 'free' behaviours that were opposed to the ideology of the Empire, although certainly not being 'traditional'. But if it was Republican, it was not a manifestation of Republicanism that became a normal expression of Republican values in later periods. Rather to the contrary, conservative moral values, of the kind propagated by Augustus, seem to have been more oppositional under Nero or Domitian. This is partly because later emperors tended not to follow Augustus' example of personal behaviour, some following the example of Hellenic monarchs, which in turn exposed the political system. Certainly Tiberius, Caligula, Nero, Otho and Domitian were all a far cry from the Augustan example. It is no surprise therefore that the *mos maiorum* came to champion political dissidence as its adherence to the very Republican behaviour marked one out as in opposition to the Imperial code of conduct and political position. Further, the involvement of the Julias makes it unlikely that such behaviours were intended to spark a 'coup'. Our reading of these actions must be more refined and take account of the confused circumstances of the era. They show, perhaps, Augustus' skill at understanding how to behave in order to claim a continuation of the Republic. Even his own family were punished for not embracing his ideology. This reflects the debate at the time and it is after Augustus that Republican opposition will become much more uniform in its adherence to the traditions of the *mos maiorum*.

Our evidence of opposition to Augustus is fragmentary. We see no clear attempt under Augustus to restore the Republic in our sources, but there are attempts at 'revolution' (Egnatius Rufus), conspiracies (Murena and Caepio), sexual scandals that look like a 'counter-

culture', literary opposition, scurrilous statements of various forms, and opposition within the political system (in the debates in the senate). The various expressions of opposition had varied motives although the views expressed were not necessarily 'Republican' in an ideological sense. As one might expect, the Augustan regime was finding its way and establishing an ideological framework (perhaps not explicitly) that was to form the basis of political conflict in the following decades. In this formative period, political lines were not clearly drawn and 'Imperial' and 'oppositional' stances not clearly established. It is only with Tiberius and Cremutius Cordus that we see an opposition emerging that could be labelled Republican.

The reign of Tiberius saw the consolidation of Imperial rule using the treason laws; the first prosecution for defamation was in AD 24.⁴⁰ The *lex maiestatis* was used and abused by *delatores* (informers). There were plots and conspiracies but the sources make most of the familial struggle between the Julians and the Claudians.⁴¹ Palace intrigues do not necessarily concern us, but the opposition to the reign of Tiberius continued to display the complexity of form and ideology that marks the opposition to Augustus.

The first major event of the Tiberian reign in the *Annales* is the 'accession debate'. Tacitus' rendition of the exchanges that took place between Tiberius and the senate cannot easily be read as a politically simple exchange. Tiberius appears not to have managed the debate, which seems to have passed the initiative to certain elements that might not have been well disposed towards the new emperor. When Tiberius claimed he would do whatever the senate asked of him, Asinius Gallus replied:

I ask you, Caesar, which element of the *res publica* you wish to be assigned you. (*Ann.* 1.12)

Tacitus claims that this unforeseen assault threw him off balance (presumably visibly) since Gallus, conscious that he might have gone too far, attempted to cover his tracks:

the question had been put to him, not with the hope that he would divide the inseparable, but to gain from his own lips an admission that the *res publica* was a single body needing to be governed by a single mind. (*Ann.* 1.12)

He also gave a panegyric on Augustus and reminded Tiberius of his own victories and work. Tacitus tells us that Gallus was hated by Tiberius anyway as 'he had ambitions denied to a subject and retained the temerity of his father Asinius Pollio' (*Ann.* 1.12). The Tacitean reading highlights the fact that the senator was simply a subject, but

the reported behaviour of Gallus points to complex relationship between the senator and the Imperial powers.

Lucius Arruntius gave equal offence (Tac. *Ann.* 1.13). Quintus Haterius asked Tiberius ‘how long, Caesar, will you permit the state to lack a head?’ (*Ann.* 1.13). Mamercus Scaurus pointed out that as he had not used his tribunician veto on the senate’s proposals, there was hope he would accept the position of *princeps*. Interestingly, Tacitus tells us that later Haterius begged forgiveness for his outburst and threw himself at Tiberius’ knees, which toppled the emperor and Haterius was only saved after the intercession of Livia (*Ann.* 1.13).

The whole exchange, as handed down by Tacitus, smacks of sarcasm.⁴² Quotations in the sources should naturally be used with circumspection, but the tradition is of an awkward exchange, which even the Tiberian supporter Velleius Paterculus refers to.⁴³ If senators did make such remarks, then one interpretation is that they were highlighting the farce in which they were engaged. Gallus’ argument, that the *res publica* needed a single head, is notably anti-Republican, suggesting that this was a unified Imperial system, while the emperor himself went through a traditional Republican process of consultation with the senate.⁴⁴ Whereas the emperor poses as a Republican, the opposition analysed the political constitution as being monarchic and sought to expose its monarchic nature by adopting a monarchist stance. These false monarchists established themselves as independent figures, their seeking forgiveness could either be interpreted as a sudden loss of courage or as attempts to further demonstrate the monarchic nature of the regime by employing panegyric or appealing to *clementia*. In either case, such actions would ensure the enmity of the *princeps*. Such actions showed contempt for the situation and political system, but although these senators were demonstrating that political *libertas* was at an end, they were at the same time acting in a way that displayed *libertas* reminiscent of the Republic. Political freedom had gone, but they could still point that out in an act of defiance and freedom, and in behaving as Republican figures, demonstrate that the Republic was over. This is exactly what Cordus seems to have done. Such debates showed a fundamental political debate over the nature of the state and the confusion prevalent within the senate over the new situation. It also shows senators transferring a political–constitutional stance into a behaviour. Thus, the senators who acknowledged that the Republic had fallen, as a reading of the political situation, struck a behavioural position which, in the last analysis, refused to modify behaviours in order to accommodate the new constitutional position and thus demonstrated an emergent Republicanism, in very much the same way as Cordus is seen as defining his own position as Republican after the fact of the Republic’s

fall.⁴⁵

Gallus' next proposal was not popular with the sovereign either. He put forward the notion that elected magistrates should stay in their posts for not one year but five. This would give the magistrates much more power and trespassed on the 'arcana of sovereignty' (Tac. *Ann.* 2.36).⁴⁶ Did Gallus really think Tiberius would accept such a proposal? It seems obvious he would not, yet Gallus proposed it anyway. Presumably, he was either making a point about the extended commands of the *princeps* himself, or he actually thought he may be able to get it passed in which case he was ensuring more power for the individual senators who held magistracies. This would reduce the emperor's patronage and strengthen the elite, even if narrowing it. It is also noteworthy that the early Imperial period saw a shortening of magistracies, with suffect consulships and the shortening of tenure. Gallus would be suggesting something rather different that would enhance the powers of the magistracies. As extended commands were traditionally used in emergency situations, it would also highlight the unnecessary nature of them at that time. Either way, the move was antagonistic. We can hardly say it was a Republican measure, as it flew in the face of annual commands, but yet again we have a case of an oppositional figure proposing seemingly monarchic measures in order to highlight the loss of liberty and end of the Republic.

This ideological 'double-speak' persisted in a debate over whether business in the senate could continue in the absence of Tiberius when there was also an adjournment of the senate and law courts. Gnaeus Piso argued that business should go on as usual:

Forestalled by Piso in this show of independence, Gallus objected that business, not transacted under the immediate eye of their *princeps*, lacked distinction and fell short of the dignity of the Roman people; and for that reason the concourse of Italy and the influx from the provinces ought to be reserved for his presence. (*Ann.* 2.35)

Tiberius watched in silence as adjournment won the day. To suspend business because Tiberius was away was to openly admit the real state of play under the Principate. Gallus was thus behaving in a manner consistent with that adopted in the accession debate; wearing his stated monarchism like a thin mask under which his opposition is obvious and displayed; but he won the vote. Here we also get the other side of the argument, represented by Piso. Piso is an interesting character; he was a friend of Tiberius but is also presented as an old school aristocrat, who the sources regard as independent and conservative. Tacitus even tells us he was a man of ungoverned

passions and insubordination (*Ann.* 2.43). Seneca praises his freedom from vice but castigates his angry nature (*De Ira* 1.18). Gnaeus Piso had also asked Tiberius in which order he would vote concerning the prosecution of Granius Marcellus – first or last. This would, he claimed, effect his own vote because he would have the lead of the *princeps* to follow if Tiberius went first, but if last, he would fear offending him (*Ann.* 1.74).⁴⁷ This sounds as sarcastic as it does sycophantic, and Tiberius probably did not appreciate the lesson in pragmatism. He therefore voted to acquit Granius Marcellus.

When Germanicus was given command in the East, it was Piso who was dispatched with him. Tacitus tells us that Piso was in no doubt that he had been chosen to ‘repress the ambitions of Germanicus’ (*Ann.* 2.43). He followed Germanicus round the Eastern Mediterranean and cancelled all his edicts. He insulted those in Athens whom Germanicus had revered, and contradicted him whenever possible. Tacitus’ account shows Germanicus accepting the Eastern trappings of kingship (*Ann.* 2.53–4). Where Germanicus wore Greek dress, Piso publicly despised foreign traits and took a determinedly anti-Hellenic stance; he even attacked Germanicus for compromising the dignity of the Roman name (*Ann.* 2.55). Piso showed open hostility to Germanicus (*Ann.* 2.57). And Tiberius also rebuked Germanicus’ dress and entrance of Egypt in the senate (*Ann.* 2.54), possibly encouraged by those who supported Piso. Piso’s behaviour could be seen as that of the Republican aristocrat of old, openly asserting his *auctoritas* in a competitive spirit, failing to acknowledge the authority and, indeed, the supremacy of the ‘young prince’. Yet, his proximity to Tiberius and the supposedly hypocritical Republicanism of the Imperial regime casts doubt on his stance.⁴⁸ Bearing in mind Germanicus’ reputation, Piso’s proximity to Tiberius and mission brief, it could be seen as an Imperial check on a popular figure.

After the death of Germanicus, Piso was summoned back to Rome where he stood trial, both for poisoning Germanicus and for his attempt to suborn the Syrian legions.⁴⁹ His suicide reflected the hopelessness of his defence against the latter charge once removed from Imperial protection, though his wife survived, preserved by her friendship with Livia.⁵⁰ There is a parallel here with Augustus and Primus. Just as Augustus could not admit to the commands given to Primus and did nothing to save his life, so Tiberius can be seen as having sold his friend Piso in order to hide the insidious nature of Imperial dealings. Persistently, the sources associate Piso with Tiberius (and Livia), as a loyal friend and supporter; he displayed the same Republicanism as Tiberius, which all assumed to be a facade. Tacitus has an anonymous commentator say that like Drusus, those

with democratic tempers were not beloved of their fathers and both Drusus and Germanicus had been killed as they wanted to restore the age of freedom and take the Roman people into a partnership once more (*Ann.* 2.82).

The rumour that Germanicus wanted to restore the Republic stems from attitudes attributed to his father, Drusus, though the basis of this attribution is not altogether clear.⁵¹ Yet, it is an old school aristocrat, who had already shown his independence of action, who was sent to keep tabs on him. Piso came across as Republican but was on an Imperial mission to check Germanicus, who accepted the trappings of regality, but had a reputation of supporting the Republic. This is an interesting dynamic, but again shows the vital importance of the Republic and the rumours that abounded concerning whether an individual wanted a return to it or not. Even if our later sources have invented the rumours, it shows that they read this period through the prism of Republicanism and with a conception that there were Republicans who wished a restoration.

Piso's brother, Lucius, had also shown an independence of spirit and a character befitting the old Republic. During a debate in the senate house Lucius Piso is meant to have attacked the corruption and intrigue in the forum and complained about the perpetual prosecutions, before announcing his retirement (*Ann.* 2.34). Tiberius did all he could to ensure that the man did not leave Rome, and was successful. However, Piso then prosecuted one of Livia's friends, Urgulania.⁵² Livia was infamously untouchable, but Piso won the day. He would later suffer the same fate as his brother, and was put on trial in AD 24 (*Ann.* 4.21). Again, there is a distinct parallel with the case of Murena. Once Primus had been left out in the cold by Augustus, Murena conspired, seemingly to be revenged for his friend. Similarly, the fall of Piso's brother led to a breach between the Pisones and the Imperial family and presumably to Piso's attack on Livia's friend. Clearly attacking a friend of Livia would mark him out as in opposition to Tiberius, in an independent action, reminiscent of the Republic, but from a man whose family was distinguished by service to the emperor. This Republican behaviour and the political outspokenness of the Pisones confused the political dynamics of the period, once more demonstrating the complexity of opposition to the emperor and the inappropriateness of simplistic dualistic readings of the politics into Republican and Imperial groups. Nevertheless, these also demonstrate the importance of the legacy of the Republic and the mutations of its political usage.

Under Tiberius, oppositional elements attempted to be open about monarchy in order to stress the lack of liberty, even claiming to be monarchists in order to do so. Even Germanicus could fit this mould.

Conversely the Pisones are examples of men claiming the political system is still a Republic, and sometimes behaving as if it still was a Republic, while being close supporters of the emperor himself. Yet both ultimately suffered death, in part because their political stances could not be reconciled with the complicated double-speak of the Tiberian period.

Tiberius was the object of many plots, but the motives of most are hidden. In AD 16 there was the conspiracy of M. Scribonius Libo Drusus, a direct descendant of Pompey the Great. We are told he wanted to move against Tiberius, Germanicus and Drusus; black magic paraphernalia was supposedly found in his possession.⁵³ Suetonius sees this as genuine attempt at revolution, since Libo wanted a new state (*Tib.* 25). There was also the trial of Clemens, who had wanted to free Agrippa Postumus and escape to the Rhine armies (*Tac. Ann.* 2.29–40). He arrived too late; Agrippa Postumus had been executed. So he impersonated him, wandered the countryside to get support and then sailed to Ostia where he was promptly arrested and executed. Tacitus tells us that Libo was supported by many senators and *equites* with wealth and advice. Clemens' intention to head to the Rhine armies seems to relate to the mutinies there on Tiberius' accession. Although Tacitus (*Ann.* 1.35) describes these mutinies in terms of the local and particular discontents of the soldiers, Velleius Paterculus, who was a contemporary source, refers to the mutiny in Illyricum in the following terms:

the legions in Illyricum, seized at the same moment by a form of madness and a deep desire to throw everything into confusion, wanted a new leader, a new order of things, and a new *res publica*. (V.P.2.125)

Velleius hints at a rather broader agenda. Some senators were also made to leave directly after the conspiracy; Appius Appianus, Marius Nepos, Q. Vitellius.⁵⁴ Whether this conspiracy was to simply swap Tiberius for, say, Germanicus, or represented something more ideological, an attempt to create a new state, is hard to tell. It seems possible that Velleius is conflating the motives of the Rhineland mutineers and the exiled senators, but it is also possible that Tacitus ignored or downplayed the ideological drivers behind this particular mutiny, in part because he tended to see the soldiers as motivated solely by their own interests.⁵⁵

Under Augustus and Tiberius opposition of a clearly Republican nature came from men who acted or wrote in praise of the Republic. Republicanism, for all Tiberius' attempts to proclaim himself as a Republican, can be seen as evolving into an oppositional stance. The conflicting claims on Republicanism under Tiberius show the

importance of Republicanism as an ideological flag. As politicians ancient and modern fight wars for 'liberty', Roman Imperial politicians appear to use the label for their own vastly different political ends. There is a clear development from the reign of Augustus into that of Tiberius, where Republican histories and comments concerning Republican heroes could lead directly to exile or death. But the political climate and the discussion of Republicanism was completely transformed under Gaius. Gaius had a certainly autocratic outlook on how to govern. He was happy to allow the republication of Republican histories precisely because he had no wish to claim his was a Republic. Such an openly monarchic rule naturally brought out the Republican opposition and it is with his assassination that we see an extended discussion of the motivation of the conspirators and we have an opportunity to assess the extent to which Republicanism drove their actions.

Caligula and Claudius

The account of the assassination of Caligula is preserved in great detail in Josephus (*AJ* 19). It is thought that he was working from two sources, one of which seems to have been an eye-witness account.⁵⁶ The identity of this witness has been guessed at Cluvius Rufus, the historian, or Servilius Nonianus.⁵⁷ He tells us that there were three conspiracies, headed by Aemilius Regulus, Cassius Chaerea and Annius Minucianus, the latter name is probably a corrupt version of L. Annius Vinicianus.⁵⁸ Josephus explains the motives of the men as follows:

Regulus was angry with the whole situation; he hated unjust deeds with the hot temper of a free man ... Minucianus' motive in the undertaking was partly to avenge his close friend Lepidus, a man with few equals in Rome whom Gaius had killed, and partly because he was himself afraid of Gaius ... As for Chaerea, he was humiliated by Gaius' insulting allegations of effeminacy.⁵⁹ (19.19–21)

Seneca also emphasizes the personal slight on Chaerea (*Sen. Const.* 18). Dio says of Chaerea, he 'was an old-fashioned sort of man to begin with, and he had his own special cause for resentment', again highlighting the personal insults at the hands of Caligula (59.29.2). Suetonius also agrees that Gaius used to taunt Chaerea with obscene watchwords for the praetorians and by making rude gestures with his fingers (*Cal.* 56). As it was Chaerea who took the main part in actually killing Caligula, his motives have been drawn to the foreground.

The motives of the men concerned have been widely discussed. Josephus himself tells us that the three conspiracies were operating in ignorance of each other (Jos. *AJ* 19. 60–2). Balsdon sees the conspirators as out for revenge against personal animosity, giving little thought to the form of government after the deed.⁶⁰ Grant sees the praetorians working to get Claudius into power as part of a pre-conceived plot using, for example, Caligula's freedman Callistus.⁶¹ Tacitus does tell us that this freedman had a major role in the murder, and he certainly thrived under Claudius (*Ann.* 11.29, 12.1). The fact that Claudius was found and hailed emperor does point to some knowledge on his part; Tacitus' claims that Callistus was heavily involved, and the fact he was promoted under Claudius, could support this. Levick sees the conspiracy as initiated by Chaerea and associates, accepted by Vinicianus and the senators who wished to use it to their advantage either as a body or as individuals, and then exploited by those favourable to Claudius such as Callistus and Gratus.⁶²

As Barrett points out, Aemilius Regulus, whom Josephus says was motivated by ideals of liberty, disappears from the narrative after the introduction of the conspiracy in the *Jewish Antiquities*.⁶³ Thereafter his Republicanism disappears from Josephus.⁶⁴ The motives of the individual conspirators are hard to pin down, but modern claims that any of the tribunes of the praetorian guard, or the prefect himself Clemens, would not involve themselves in a Republican coup since it would render them unemployed are deeply unconvincing.⁶⁵

Josephus tells us that after the assassination the German bodyguard were wreaking havoc and the people were running about the forum asking for the assassins.⁶⁶ The senate convened and Gnaeus Sentius Saturninus gave a speech 'appropriate to an audience of free and honourable men' (*AJ* 19.166). His speech as given to us in Josephus is full of talk of the past:

Romans: it seems incredible, since it comes upon us unexpectedly after so long a time, but we really do possess the dignity of freedom ... it is enough to live even one hour in a country that governs itself, controlled by the laws that made it great. I do not remember the old freedom; I was born too late to know it. (*AJ* 19.167–9)

Again,

Ever since Julius Caesar decided to destroy the Republic and throw the state into confusion by doing violence to the rule of Law ... there is no evil that the city has not suffered'. (173)

A little later,

now you are rid of such evils. You are accountable only to each other, which is the best of all constitutions for guaranteeing present concord ... It is your duty to take thought individually for the public benefit – and to declare your opinion against anything previously suggested which you may not like. (178)

As Josephus states: ‘now, in the 100th year since they had been robbed of the Republic, they resumed the right to give the password’ (187). Speeches in ancient sources must, it is true, be regarded with a certain caution.⁶⁷ The chance of the quotations being an accurate record of what was said is slight. Yet, these ‘dramatizations’ of political debate are neither necessarily misguided nor misleading accounts of those debates. More importantly, they are the portrayal of the moment and the protagonists chosen by the sources. In Josephus’ portrayal of events Saturninus gave a speech that did not just advocate the restoration of the Republic, but took it for granted.

Suetonius agrees:

The conspirators too had not agreed on a successor, and the senate was so unanimously in favour of re-establishing *libertas* that the consuls called the first meeting, not in the senate house, because it had the name Julia, but on the Capitol; while some in expressing their views proposed that the memory of the Caesars be done away with and their temples destroyed. (*Cal.* 60)

Dio tells us that after Caligula was killed,

all those who in any way acknowledged the authority of the senate, were true to their oaths and became quiet ... the consuls, Sentius and Secundus, immediately transferred the funds from the treasuries to the Capitol ... So these men together with the prefects of the praetorian guard and the followers of Sabinus and Chaerea were deliberating what should be done. (59.30.3)

At the meeting of the senate:

many and diverse opinions were expressed; for some favoured a democracy, some a monarchy and some were for choosing one man and some another. (60.1.1)

The sources are unanimous in their agreement that the restoration of the Republic was under discussion as a realistic solution to the current political crisis.⁶⁸ The motives of the conspirators may have varied and been more personal, perhaps even lacking in an ideological agenda, but their success allowed those who wanted to restore the

Republic to seize the opportunity. They failed due to the quick manoeuvres of the praetorian guard. Claudius was supposedly found cowering behind a curtain by a certain Gratus, who hailed him as emperor.

Suetonius tells us that Claudius had been dejected:

For the consuls with the senate and the city cohorts had taken possession of the Forum and the Capitol, resolved on maintaining the public liberty. When he too was summoned to the House by the tribunes of the Commons, to give his advice on the situation, he sent word that he was detained by force and compulsion. (Suet. *Claud.* 10)

The senate, hearing of this, sent a message to Claudius telling him to submit to the senate and not to attempt a takeover (Jos. *AJ* 19.230–4).⁶⁹ Claudius held his ground and with the support of the praetorians was in a powerful negotiating position. Josephus tells us that as the senators realized this, they wasted a day discussing who would be their candidate for the Principate (Jos. *AJ* 19.250). Suetonius compares the bickering of those in the senate with the unanimous desire of the people to have Claudius as their *princeps* (*Claud.* 10). In the second debate there was a realization that an emperor was necessary to preserve political order and an end to their Republican dream of a restoration of senatorial rule.

During that debate Saturninus put himself forward, having spent the previous day waxing lyrical about the Republic. This has led some to distrust his Republican sentiments. Barrett, for one, argues that his family did well under the Principate and notes that he was wearing a ring of Caligula during his harangue (Jos. *AJ* 19.185).⁷⁰ However, although he may have done well out of the Principate, as must virtually all of the senators who survived in one way or another, if he was ambitious then to be seen as one of the re-founders of the Republic could only ensure more power for himself as one of the *principes* of a newly established Republic. As for wearing a ring of Caligula, one wonders how that could be read as ‘sincere’ whereas his statement seen as ‘insincere’. The reference surely reflects the difficulties of political debate in a period of tyranny. Furthermore, the irresolvable argument about his individual motivation is not as important as the attestation of a political ideal. Saturninus’ speech, as handed down to us in the sources, and however much a construct of those sources, was either heart-felt Republicanism or calculated to appeal to Republicans.

The sources are unanimous that after the assassination of Caligula the senate met on the Capitol, having already taken the treasury, and there it discussed the restoration of the Republic and sent word to

Claudius that he should not try to seize power. All the sources claim that there was a rush to restore the Republic. These were not empty words about liberty, as in liberty from the tyrant Caligula, even if 'the aim of the senators was to regain their former dignity' (Jos. *AJ* 19.227), Suetonius and Dio both tell us that the senate wanted to restore the Republic (Suet. *Cal.* 60; Dio 60.1). But as the chances of a restoration of the Republic vanished, the senate sensibly turned to discussing candidates for the purple.

Swan has dismissed conclusively the claim by some that L. Annius Vinicianus supported M. Vinicius for the purple on the basis of a corrupt text and the events surrounding the debate.⁷¹ Swan therefore concludes that the chief proponents of a restoration of the Republic, Saturninus and Pomponius Secundus, together with Vinicianus, the principal senatorial conspirator, persevered right to the end in their attempt to subvert the Julio-Claudian dynasty.⁷² He sees their Republicanism as simply revising itself to meet the particulars of the occasion; i.e. when a full scale restoration seemed unlikely they sought to find an alternative candidate from within their own midst.⁷³ This might, after all, have helped persuade the army to change sides. The decree of 24 January clearly expresses the aims of the senate; they ordered Claudius to drop any aspirations to the Principate and, as Dio recounts, 'to acknowledge the government of the people, the senate and the laws' (60.1.4).⁷⁴

The assassination of Caligula may or may not have been initiated or carried out by individuals who wished to restore the Republic, but that there were Republicans involved is beyond doubt.⁷⁵ As soon as Caligula had been killed there was an attempt to return government back to the senate and to restore the Republic. The tensions that had been apparent throughout the reigns of Augustus and Tiberius came to a head in a genuine attempt at restoration, which failed. Republicanism had emerged fully as a specific oppositional ideology. Clearly Caligula was not a first among equals, and his was not a Republic.⁷⁶ Some senators, despite the decades of Imperial rule, had not been won over. Despite the fact that many men in the senate had been adlected by emperors or were new men, sections of that body still attempted a restoration of a Republic which has been seen as little more than a remote historical memory for them. But these were not, on the whole, men drawn from the old Republican families seeking to restore lost glories, but were an Imperial-senatorial aristocracy. Their motivation would therefore seem to be ideological. They opposed Caligula and his unashamedly monarchic regime (under which at least some must have prospered) because of Republicanism.

The reign of Claudius started with an apparent amnesty for all those who had discussed the restoration of the Republic, or those who had

proposed themselves for the purple.⁷⁷ Suetonius tells us that he obliterated the memory of those two days and that he pardoned everyone, with the exception of a few tribunes and centurions because they had not only been the ones to murder Gaius, but also because they had demanded the death of Claudius – evidence that they aimed at ending the dynasty and probably for a restoration of the Republic.⁷⁸ Dio tells us that he even gave offices and honours to those who had wanted to restore democracy (60.3). Even Saturninus and Pomponius remained in office.⁷⁹ This clemency would return to haunt him.

Suetonius tells us that Claudius faced treachery, conspiracy and a civil war.⁸⁰ That ‘civil war’ occurred only a year after the assassination of Caligula and the attempt to restore the Republic:

The civil war was set on foot by Furius Camillus Scribonianus, governor of Dalmatia; but his rebellion was put down within five days. (*Claud.* 13)

Suetonius ascribes its failure to bad omens that terrified the troops into submission. Dio gives a slightly different version, citing L. Annius Vinicianus as the instigator, partly through fear as he had proposed himself emperor after the death of Caligula.⁸¹

As he possessed no military force, however, he contacted Furius Camillus Scribonianus, the governor of Dalmatia, who had a large body of citizen and foreign troops, and enlisted his support; for Camillus was already making his own plans for an uprising, more especially because he had been spoken of for emperor (60.15.2). ‘When Annius had got thus far, many senators and knights flocked to him.’ The conspiracy was gaining momentum however; ‘for the soldiers, when Camillus held out to them the hope of seeing the Republic restored and promised to give back to them their ancient freedom, suspected that they should have trouble and strife once more, and would therefore no longer listen to him’ (60.15.3).⁸² He therefore fled to Issa and committed suicide. Vinicianus also killed himself and Dio speaks of many others including a freedman of Camillus called Galaesus and a Caecina Paetus and his wife Arria, who committed suicide together (60.16; Pliny *Ep.* 3.16.7–9).

If it was another attempt to oust Claudius and restore the Republic, which seems highly likely, it would explain why ‘many senators and knights flocked to him [Vinicianus]’ (Dio 60.15.3).⁸³ This is not surprising considering he almost succeeded in AD 41 and had now secured military support, as well as the backing of consulars such as A. Caecina Paetus, Q. Pomponius Secundus and Scribonianus. To have four consulars in a conspiracy against the emperor was unprecedented.⁸⁴ Also, directly before the conspiracy, Appius Silanus, who was legate of Hispania Citerior and so had three legions at his

disposal, was recalled ostensibly to marry the mother of Messalina, Domitia Lepida, but was soon executed.⁸⁵ It is only Dio who claims the accession of Vinicianus was the aim, and he contradicts himself by saying that Camillus told the soldiers they could restore the Republic. It is much more probable that the aim was to restore the Republic.⁸⁶ Swan has pointed out the reaction of Claudius to this attempt at restoration in the form of a Claudian coin citing *Libertas Augusta*. It is an unprecedented type and seems to be part of an ideological dispute, trying to claim there could be freedom under an Augustus.⁸⁷ The rebels, however, wanted 'old time *libertas*' (60.15.3).⁸⁸ It seems that under Caligula and Claudius there is evidence for a militant Republican opposition to the Principate, which acted to attempt a restoration.

Conclusion

Under Augustus there was active and politically-engaged opposition, but the ideological and political intent of that opposition is often obscure. Nevertheless, under both Augustus and Tiberius we can detect an emerging debate about the Republic and Republicanism and the nature of the Principate. It is difficult to characterise this debate. We see certain individuals being described in ways which would allow us to label them as 'Republican'; others are given speeches which also might allow the attribution of a 'Republican' label. Yet, it is unclear whether there was anything as clear as a 'group' of Republicans, or even whether the label of 'Republican' would have made such sense in the Augustan period. Certainly, Augustus' claim that his regime was a continuation of the Republic complicated any disputes. Any ideological or constitutional opposition co-existed with other forms of opposition, whether due to personal reasons or the tightening grip of the emperors, which cannot easily be seen as Republican. Yet, the debate surrounding Cordus shows that by the reign of Tiberius Republican histories could be deeply subversive. Tiberius' claim to be upholding the Republican tradition confused the lines of political debate and we see an emerging 'double-speak' at moments such as the accession of Tiberius which renders political analysis more than usually difficult. All this is, of course, rendered through the filter of later historians' accounts, who may or may not have been able to capture the essence of the issues at stake. The most 'monarchic' of statements sometimes appear to come from those identified as the most obvious opposition to Tiberius, while the most Republican of sentiments and behaviours identified with the closest associates of the emperor. It is in this reversal that we see an emerging 'politics of

Republicanism' in which the values of the Republic were given particular political weight. It is with cases such as that of Cordus that the ideology was being debated and formulated. Further, in at least some of the opposition to Tiberius, this ideology appears to form a basis of a political grouping. We must stress that any such group must have been amorphous, and is very difficult to discern through the filters of source material. We have to face the possibility that we are looking at later interpretations of political acts from a time in which there was a more easily discerned Republican tendency, but there appears to be sufficient evidence to detect the emergence of such a loose grouping in the early Tiberian period.

Nevertheless, it was in the Gaian and Claudian periods when, perhaps in reaction to the absolutism of Gaius, this emerging ideological tendency appears to develop a political programme. Caligula even causes the death of his father-in-law Marcus Silanus and Dio explains this as a result of Silanus' virtue (59.8.4). On first reading this seems an absurd accusation. But as we shall see later, certain behaviour was oppositional and made emperors uneasy.⁸⁹ At the end of the Gaian period and in the first years of Claudius, we see genuine attempts to restore the Republic, attempts which fail to gain popular or military support. The first attempt, in AD 41, broke down very quickly, as the senators were outmanoeuvred by Claudius, and forced to recognize their impotence in the face of the praetorian guard. The second attempt, which the conspirators may have felt remedied the failings of AD 41 by securing military support from the outset, also collapsed in the face of the hostility of the troops. In reaction Claudius attempted to reclaim the Republican ground with *Libertas Augusta*. The fact that an emperor would use the language of Republicanism in order to satisfy subjects shows how important that ideology was. This would culminate in the *Panegyricus*, which is shot through with Republican values and ideals.⁹⁰

The ideological conflict did ensure opposition to the emperors from Republicans – men who wished to see a more Republican man at the helm or even a full restoration of the Republic. However, Republicanism seemed to emerge as a wholly aristocratic ideology with little support from the people or the soldiers, as both rebellions in AD 41 and 42 clearly show.⁹¹ Without the political muscle of a popular cause, or an appeal to the troops, the possibility of a successful coup by which the Republican group would be able to enact their political ideology became increasingly remote. The failures of AD 41 and AD 42 once more reinforced one of the *arcana imperii*, that the senators were not capable of deciding the fate of the Empire without allies in the military. Further, even if the plebs had objected to the treatment of senators under Gaius and later if Nero's theatrics had

alienated some of the soldiery, there is very little evidence of a nostalgic fondness for the Republic or an ideological commitment to Republican values outside the aristocracy.⁹² It is no surprise, therefore, that after AD 42 armed attempts at insurrection seemingly cease and instead the Republican opposition took a different stance.

Chapter 2

Opposition II: A Moral Opposition

After the failure of AD 41 and 42 the ideological centre of Republican opposition shifted from the militant to the moral. Rudich claims these failures should have buried Republicanist hopes (1993, 32). But they did not; they simply changed the mode of opposition. And this is perhaps to be expected. A major political failure, such as was suffered in AD 41 and 42, would not necessarily lead men to view their ideology as misguided, and certainly not when that ideology is set within an interpretation of a long political and moral tradition, when they could instead view the times as inappropriate. In the Gaian and Claudian periods, Republicanism was very real and powerful. Men fought and died to restore the Republic. Nevertheless, Republicanism had not captured the interest of the soldiery and plebs and that 'class-based' failure may have reinforced elitist tendencies within Roman politics.¹ This encouraged a shift in the stance of the Republican opposition from the militant to the moral or behavioural.

The Piso Conspiracy

Apart from the events of AD 68, the Neronian period has one attested major conspiracy unearthed in AD 65. This conspiracy aimed at replacing Nero with Gaius Piso, although there were rumours of a plan to then switch him for Seneca, which Tacitus doubts (*Ann.* 15.65).² Unusually, the evidence for the plot appears to have been quite strong; Nero published evidence and this evidence was supported by accounts of the peripheral figures who were exiled and were to return to Rome after the fall of the emperor. Unlike the last major well-attested conspiracy, that which overthrew Gaius, there is very little obvious Republicanism on display.³ Quite the opposite; Tacitus tells us that Piso avoided the help and participation of a M. Julius Vestinus Atticus,

lest he should arise as the champion of liberty, or, by selecting another as emperor, convert the *res publica* into a gift of his own

It would seem that the urging 'to liberty' is code for a restoration of the Republic, though notably Vestinus is seen as such a powerful player that his endorsement would potentially create rivals to Piso or create such an obligation that Piso's subsequent freedom of action would be limited.⁴ Typically modern historians have refuted the man's Republicanism. Rutledge glosses over it (2001, 167). Rudich dismisses Vestinus' Republicanism because he had been a friend of Nero and was seen by other senators as 'reckless and unmanageable'; his argument is not convincing.⁵ The senate of the day, if mostly compliant, may well have found anyone who leaned towards Republicanism as 'reckless and unmanageable', as they could seriously threaten the safety of the order. Moreover, one of the more notable features of oppositional Republicans in this period, and especially those who were connected to stoicism, was, as we shall see, the 'reckless and unmanageable' manner in which they expressed their views. One could look to Thræsea Paetus, Helvidius Priscus and many others as examples of this 'freedom of speech' which brought these figures not only into opposition, but into open conflict with various emperors.

Vestinus' friendship with Nero would, at first sight, seem to present more of a problem for those wishing to see in him a Republican. Although it is obviously possible to hold different political views from a friend, if that friend happens to be Nero, then it would be prudent to hide them. A Republican at the court of Nero may seem out of place. But one must remember that the conventional understanding of the intellectual and political climate of the Neronian period is coloured both by an almost universally hostile tradition and also by the problems in the latter half of Nero's reign.⁶ Nero clearly fostered a certain artistic license in his early years and had room for a variety of opinions. Seneca, Petronius and Lucan, all of whom were closely connected with the Imperial court, offer views of the Principate or of Nero or Nero's predecessors, which could be seen as uncomfortable for the emperor.⁷ It would not be out of keeping with such a diverse court to allow a place to views such as those attributed to Vestinus. One could see a parallel to this in the supposed Republicanism of Agrippa, Drusus and Germanicus in earlier generations, which later writers did not find incompatible with their loyal service to particular emperors.⁸ Yet, and in spite of what might have been expressed Republican views, there was no place for such a figure in the Pisonian camp. And, as Nero's regime became more autocratic, any who expressed Republican sentiments, or were suspected of being Republican on account of their behavioural traits were in danger.

The conspirators, as depicted in the sources, included people with varying motives; the lazy and licentious Piso, for example, wanted the throne (Tac. *Ann.* 15.48). More interestingly, Lateranus' involvement is explained as follows:

Lateranus, a consul designate, was brought into the cause, not by an injury, but by affection for the *res publica*. (Tac. *Ann.* 15.49)

Lucan is seen as acting on a personal slight, angered at having his career kept back by a jealous emperor.⁹ Ahl has pointed out how Tacitus tries to downplay Lucan's Republican sympathies and accentuate the personal slight he received in order to contrast him with Plautius Lateranus (1971, 9).¹⁰ It is only a freedwoman named Epicharis who cited the lack of power for the senate and people of Rome as a reason to be involved (*Ann.* 15.51ff). The Republican element was at a minimum in this conspiracy but the patriotism of Lateranus and Epicharis' reference to the SPQR are intriguing and point to at least some of the conspirators having Republican sympathies.¹¹ Tacitus, as ironic as ever, ascribes the most Republican motives to a freedwoman whereas he portrays the conspirators as, for the most part, cowardly and selfish.¹² In fact he writes of Epicharis:

she had set an example which shone the brighter at a time when persons freeborn and male, Roman knights and senators, untouched by the torture, were betraying each his nearest and dearest. (Tac. *Ann.* 15.57)

Tacitus shows the debasement of the senators involved, highlighted by the noble actions of a freedwoman and their attempt to keep Vestinus away from the conspiracy lest he restore the Republic. This conspiracy again points to the existence of Republicanism; Piso wanted to avoid Republicans joining his cause. Whether Tacitus' ascription of Republican sentiment to Epicharis is artistic licence to highlight the weakness of the senators involved does not matter; Republicanism was part of the discourse. The possibility of such sentiment is clear from the conspiracy and so it is again evidence for the existence of Republicanism. Republicanism had moved away from militancy, but the ideology was still apparent. In fact, that ideology was becoming more finely tuned.

The 'Philosophical Opposition'

The tradition has it that Nero was guided by his stoic teacher Seneca

in the early years and his rule was well received. In each of the first six years one of the *consules ordinarii* was a man of the old nobility.¹³ Perhaps this in itself was a reaction to the problems Claudius faced soon after his accession. But like all the emperors before him, the honeymoon period soon ended and certain senators started to subtly oppose the regime. In AD 62, Rubellius Plautus was attacked. Tacitus tells of a comet that led to rumours of a change in ruler and the people started to gossip about Plautus (*Ann.* 14.22). Despite his ancestral links to the Julian house, which would clearly have worried Nero, we are told the following:

Personally, he cherished the views of an older generation: his bearing was austere, his domestic life being pure and secluded; and the retirement which his fear led him to seek had only brought him much more fame.¹⁴ (*Ann.* 14.22)

Tacitus clearly presents these cherished views of an older generation as causing him problems with the regime. It was his behaviour and his scruples, or morality that seems to have caused concern for Nero. Nero asked him to withdraw to his estates in Asia, which he did. Later, when Burrus had been replaced by Tigellinus as prefect of the praetorian guard, the latter denounced him:

Plautus, with his great fortune, did not even affect a desire for peace, but, not content to parade his mimicries of the ancient Romans, had taken upon himself a stoic arrogance and the mantle of a sect which inculcated sedition and an appetite for politics. (*Ann.* 14.57)

Copying the ancient Romans and following stoicism are presented as ammunition for the informers. Tacitus sets such beliefs in opposition to Nero. This clearly merits more investigation and not a blanket refusal and denial that an ideology of opposition was at work.¹⁵ Tacitus also attests a rumour that Plautus met the general Corbulo in Asia and even has his father-in-law, Lucius Antistius, tell him to fight against Nero and the attempt on his life.¹⁶ But, he listens to the advice of his philosopher friends, the stoics Coeranus and Musonius, and decides to simply await death and face it like a man (*Ann.* 14.58–9). His murder has been interpreted by moderns like Shotter in light of his links to the Imperial house, but his behaviour is presented in Tacitus as being that of *maiorum*, the ancestors, mediated through the teachings of the stoics, not only as oppositional but also Republican.¹⁷ A feature of Tacitus' work, and others as we shall see, is the link between certain behaviours and stoicism to opposition to the emperors.

Tacitus connects stoicism with political conservatism and with opposition to the emperor: Tigellinus is made to use the man's stoicism in his prosecution speech (*Ann.* 14.57). The debate about stoicism and how it caused opposition is discussed in more detail later, but what is important here is Tacitus' speech must be seen as part of the discourses of the late first century in which there is an association between stoicism and opposition. Whatever the intricacies of the philosophical stance, the relationship between philosophy and opposition is a feature of Tacitus' rhetoric. It could be argued that Tacitus could be retrojecting this onto the Neronian period, but clearly stoicism is associated with opposition and Republicanism with earlier figures such as Cato and even Cicero.¹⁸ Seneca's attempts to defend stoics from just such attacks, also suggests that stoicism caused considerable difficulties for the emperors and for Nero.¹⁹ Whatever the role of stoicism, Plautus is in trouble because of his adherence to old values, but those old values do not encourage an active engagement in politics (a Republicanism militant), but a withdrawal from politics, which is equally troublesome, as we will see. Tacitus therefore brings together in one man the various strands of belief and behaviour that set an individual in opposition to the emperor. However, the philosophers advise against militant opposition; the possible military alliance advised by Antistius was not followed up, on the advice of the stoics.

The Republicanism of Plautus is an almost purely intellectual and behavioural code; it does not lead to open confrontation, but it is a way of life, encouraged by stoicism. It is berated as a 'mimicry' of the ancient Romans (of the Republic). Interestingly, it still denotes opposition, just of a different kind, less militant and more moral. The refusal to turn from this intellectual and behavioural mode to military action, though a military option appears to have been available, suggests a fundamental shift from the Republicanism of a generation earlier and perhaps even a deliberate distancing from that more militant tendency. The fact that he is presented as dangerous, due to his beliefs and behaviour, means that to Tacitus this was enough to set a man in opposition to the emperor. Moreover, it is behaviour following the example of Romans of the Republic that offends. It is the *mos maiorum*, or a devotion to them, that seems to lead to problems here.

Such attacks continued after the Piso conspiracy. Many fell in the aftermath. In the accounts of the trials and deaths, the predominant feature is a link between conservative behavioural patterns and a perceived threat to the emperor. Nero prevented Gaius Cassius from attending the funeral of the emperor's beloved Poppaea Sabina. Then he set upon him in the courts, also charging Lucius Sulla who had

been brought up in Cassius' house.²⁰ Cassius was a lawyer, by this time both old and blind, who was a champion of the *mos maiorum* and lived his life in an accordingly austere fashion, devoted to ancient discipline. Suetonius tells us he also had some weight in the senate (Nero 37). Tacitus tells us Cassius fell for being eminent, for a great hereditary fortune, and an austere character. Yet again a man's morality or behaviour (specifically those in line with the *mos maiorum* of the Republic) is seen as making him oppositional. Nero sent a prosecuting speech to the senate using as evidence a bust of Cassius, the tyrannicide, which had an inscription 'to the leader of the party' (Ann. 16.7). If such a display was simply the harmless honouring of a deceased and famed relative, then it would not lead to prosecution. Tacitus adds that 'the seeds of civil war, and revolt from the house of the Caesars, such were the objects he had pursued' (Ann. 16.7). The fact that owning such a bust could support a conviction, as a man's behaviour could, clearly shows that praise for the heroes of the Republic and behaviour in line with the *mos maiorum* of the Republic set an individual in opposition to certain emperors. The busts were seen as dangerous, encouraging tyrannicide and denoting loyalty to the values of the Republic that Nero had clearly flouted.²¹ Cassius had previously argued against the sycophants in the senate who wished to add several new national holidays on account of Corbulo's victories in the East (Ann. 13.41). He had even been so bold as to argue against the popular opinion, and that of Nero, in the case of the murder of Pedanius Secundus. Cassius instead insisted custom and Law should be maintained and that all the slaves and freedmen of Secundus' house should be killed, in line with the *mos maiorum* (Ann. 14.42). Ostentatious displays of conservative morality could be interpreted as reproach to the Neronian regime, but the association between conservative moral behaviour, political deviancy and outspokenness, and a reverence for the Republic was clearly established. With Cassius there was also the added factor of noble (and so Republican) lineage, which also was seemingly partly responsible for the associated fall of Silanus, who was exiled at the same time and later executed (Ann. 16.7–9). The epigraphic commentary on the bust of Cassius was also damaging. Cassius the tyrannicide was not just being honoured as an ancestor, but being seen as the leader of a 'party' in Roman political life.²² In itself, the inscription and the prosecution can be seen as evidence that Romans were able to attribute particular ideologies to particular groups and that the Republicans could be conceived of as a 'party' with a defined leadership. Although the inscription does not apply a label to the 'party', this merely represents the familiar Roman reluctance to name political groups, and in translating that party into a modern idiom, it would be difficult, and perhaps even perverse, to

avoid the term 'Republican'.²³

Such associations made Nero insecure, but may also have contributed to the popularity of such individuals. Nero's legitimacy came partly from his role as leader of the senate; if a faction of the senate moved away from him and showed dissent, this source of legitimacy and authority was in jeopardy. When the same men professed a different way of living, a different morality, they were suggesting Nero was leading an immoral existence and was therefore an illegitimate ruler. When their mode of behaviour was based on Republican and not Imperial ideals, the *mos maiorum* and not the fashions of the day, this was deeply subversive. An emperor needed a compliant senate for legitimacy. When senators chose to live according to the Republican *mos maiorum* and not the ideals of the emperor of the day (and so the contemporary Imperial ideology), when senators argued against Nero's wishes, when senators retired from their posts, they made their opposition to Nero obvious. When this opposition was based on Republican principles – the very same Republican sentiments that Tiberius and Augustus had tried to claim legitimacy by accentuating – it made a rather dangerous and clear political point. Although, of course, Republicanism was not in itself a crime, the description of the cases made against Nero's opponents in the sources makes clear that it was the display of Republican sentiments, in behaviour more than political action, that was the cause of their prosecution. The references to the conservatism of behaviour and the association with Republican leaders makes this explicit even if the 'Republican' label is never used.²⁴

In AD 66, Nero 'conceived the ambition to extirpate virtue herself by killing Thrasea Paetus and Borea Soranus' (Tac. *Ann.*16.21). The *delatores* are often depicted as opportunists, prosecuting innocent senators for wealth and power and Rudich has shown the similarity between such an environment and that of Soviet Russia with informers lurking everywhere.²⁵ Rutledge has shown that their interests were tied to the Imperial house (2001, 4). He has shown that their presentation in the sources is as much a rhetorical construct as historical truth (2001, 5) and that when the sources present them as un-Roman (and so in opposition to the senate itself) and attack them, the sources question the legitimacy of the informers themselves, but also by implication the power structures with which they collaborate (2001, 12).²⁶ Rutledge goes on to argue the necessity of the *delatores* for the government to function, and what a bad press they have received in the literary sources.²⁷ He is right to take them seriously and to show their links to the power structures and relations of the first century AD.²⁸ The important point is that if we take them seriously, and investigate the presentation in the sources of their attacks on

individuals during the first century, we see ample evidence of a dangerous Republicanism that the informers were trying to suppress. Rudich's comparison to Soviet Russia would also make more sense if there was a similar ideological battle; he accepts that informers were rife, but does not accept the sources' portrayal of the prosecutions. That the informers, or their speeches, are rhetorical constructs is not to necessarily invalidate them as possible historical fact. Their presentation is uniform in all the literary sources; they attack men of good character and good behaviour; they link good behaviour and acts such as celebrating the birthdays of Cato or owning a bust of Cassius with opposition to the emperor. The sources presented their actions in this light. If we take them seriously, there is evidence of the struggle between Republicanism and the Imperial regimes. If we assume they are rhetorical constructs, then the historians of the second century AD have presented the history of the first century AD as being an ideological battle between Republicanism and the Imperial regimes. The politics of the period was understood in these terms by the likes of Tacitus. Whether we take the sources at face value or treat the texts as 'monuments', the evidence for Republicanism is there. To assume the description of the *delatores* is simply inaccurate and therefore not ideological is too reductionist. A closer look at the prosecution speeches against Thrasea Paetus and Borea Soranus and the actions that led to their condemnation is revealing and points to ideological persecutions.

Tacitus lists the offences of Thrasea; he had walked out of the senate after the death of Agrippina;²⁹ he had not been conspicuous enough at Nero's *Iuvenalia*; he had intervened on the side of the praetor Antistius, who was accused of lampoons against Nero, in order to ensure a milder penalty; he had deliberately stayed away from the vote for divine honours for Poppaea and he had not assisted at her funeral (*Ann.* 16.21). Cossutianus Capito provided other charges (16.22). He pointed out that Thrasea avoided the customary oath at the beginning of the year; he took no part in the national vows despite holding a priesthood; he had never sacrificed for the welfare of Nero or his celestial voice. Much is made of the fact that having once been an assiduous presence in the senate, discussing the most commonplace motions, he then withdrew for three years from the *Curia*. On the previous day while the senators had been busy prosecuting Silanus and Vetus, Thrasea had devoted his leisure to the private cases of his clients (16.22).³⁰

After these concrete charges Tacitus focuses in on the crucial point of Capito's attack: matters were come already to a schism and factions: if many made the same venture, it was war. (*Ann.* 16.22)

‘Secession’ recalls the plebeian rejection of patrician authority during the struggle of the orders, and recalls the withdrawal of Plautus earlier in the reign. Giovannini points out the seriousness of passive resistance and absenteeism as opposition to the emperors in the first century AD (1987, 364). Tacitus has Capito claim that as there had once been factions around Cato and Julius Caesar, there were now the same between Thrasea and Nero.

And he has his followers – his satellites, rather – who affect, not as yet the contumacy of his opinions, but his bearing and his looks, and whose stiffness and austerity are designed for an impeachment of your wantonness. (16.22)

Having drawn attention to Thrasea’s behaviour and pointing out its direct critique of Nero, Capito then links his refusal to believe in Poppaea’s deity to a refusal to swear by the acts of Augustus and Julius Caesar: ‘He shows contempt of religion, he abrogates law’. ³¹ (16.22)

Tacitus’ Capito claims that ‘in order to subvert the Empire, they make a parade of liberty’ (*Ann.* 16.22). Parading freedom and ostentatious displays of moral superiority or freedom of speech in the senate were subversive. That Thrasea Paetus is likened to Cato, and his followers attacked for parading liberty, with the threat of future war if they grow in size, shows the danger of Thrasea in the eyes of the Imperial regime. The speech is laden with Republican terminology, partly in order no doubt to heighten the perception of the risk posed by Paetus and his group. Capito’s speech also looks back to the Republic’s disunities that threatened the state, and established a tradition of withdrawal that threatened Rome. Capito’s speech mirrors Tacitus’ claim that Augustus established his regime by ending the period of civil turbulence that Paetus is now threatening to restore.³² The charge made then is of Republican secession in order to provoke a civil conflict and lead to the overthrow of the state. However unlikely as a charge this may seem, given the quiescence of the opposition, the use of Republican precedent would appear to turn the traditionalism of Paetus and his group against him. Paetus’ stance is thus politicized and associated with the Republic, and there is no obvious reason to reject the essential truth of Tacitus’ Capito’s reading of Paetus’ behaviour. It shows the politicization of traditional behaviour that followed the *mos maiorum*.

On the day of the trial Eprius Marcellus, the infamous *delator*, claimed that supreme interests of state were at issue (*Ann.* 16.28). He explained that Thrasea and his followers were mocking the senators and meditating upon revolt. He interprets Thrasea’s absence as openly assuming the part of a traitor and public enemy:

In Thrasea's eyes, these were no senatorial resolutions; there were no magistracies, no Rome. (*Ann.* 16.28)

Thrased's crimes are twofold: he did not attend the senate or involve himself in the obsequious dealings of his colleagues and he makes a show of his moral opposition to Nero. But the language of the prosecution suggests something deeper: that the Roman state, which Thrased so patently ignores, is no more. The language of old-style Republicanism – Law, religion, senatorial resolutions, magistracies, the city itself – were all used against Thrased. In this way, we can understand the accusation of factionalism: he was operating against the unity of the state, dividing the people against one another. Loyalty to the state was *pious* and Thrased's behaviour is made unpatriotic, an offence against *pietas*. Conventional charges are thus laid at his door, turning the rhetoric of conservative behaviour against the leader of the conservative 'faction'.³³

Early in the reign of Nero, Thrased had spoken for mercy (that most Imperial of virtues) in the case of the praetor Antistius Sosianus and his anti-Nero libels. Tacitus has him both praising Nero at the outset of the speech and claiming that harsh penalties, as had been required by the *mos maiorum*, were forgotten.³⁴ (*Ann.* 14.48)

The independence of Thrased broke through the servility of others, and, on the consul authorizing a division, he was followed in the voting by all but a few dissidents. (*Ann.* 14.49)

Perhaps at the outset of Nero's reign Thrased used a similar tactic to those at the accession of Tiberius, using monarchist sentiment to try to aid Antistius. Thrased was capable of leading the senate against the wishes of Nero and Nero wrote cuttingly to the senate that even though Antistius had written intolerable insults, the senate was free to acquit (*Ann.* 14.49). Antistius had proved himself something of a free spirit already. In AD 56 there was a dispute in the senate. Antistius, as tribune, had released some disorderly claqueurs from prison, despite the fact that the praetor Vibullius had sentenced them. After a discussion, the senators agreed to arrest Antistius and then passed a whole range of measures against tribunes. All this was done without Nero, and Tacitus comments:

There remained none the less some shadow of the *res publica*. (*Ann.* 13.28)

Individuals were taking advantage of the young *princeps*' promises of respect for the senate. Rudich sees Tacitus' comment as ironic but the fact remains that such behaviours were reminiscent of political

clashes during the Republic.³⁵ In a similar vein, Thrasea Paetus had accused Obultronius Sabinus, the *quaestor aerarii*, of exploiting the poor. Such attacks were reminiscent of the Republic of old in their independence (*Ann.* 13.28). As Rudich admits, Republicanist sentiment was deeply rooted in the senatorial mindset; impeachment of an individual was a clear reminder of the old and proper ways of pursuing a public career.³⁶ Thrasea had also opposed a motion in the house to allow Syracuse to exceed the prescribed number of gladiators. Tacitus explains that his contemporaries felt he should reserve his involvement for major themes like war and peace, finance and law, instead of arguing over such unimportant issues (*Ann.* 13.49).

Thrasea answered that he was paying a compliment to the order, showing that they would not dissemble their interest in great affairs when they could give attention to the smallest. The event, as portrayed in Tacitus, is full of sarcasm. Clearly the senators were not, and had not been for a long time, free to give their opinions on all measures, especially not those which involved matters of high importance to the emperors. By drawing attention to the Syracuse issue, Thrasea may well have been making a covert attack on Nero's love of spectacles and performances. He was certainly promoting freedom of speech in the senate at an early stage of Nero's rule. He was setting an example to the others that they should be brave and speak their mind. He also spoke up against the Cretan Claudius Timarchus who claimed he could ensure a vote of thanksgiving for a proconsul in Crete. As a man who saw the *dignitas* of the senate and senators as paramount, Thrasea moved that no such votes should take place (*Ann.* 15.20).³⁷

Thrasea was clearly an independent voice, but he also seems to have been deliberately oppositional. He even assumed the *cognomen* of his father-in-law A. Caecina Paetus, who had been part of the attempted Republican coup of AD 42.³⁸ Taking his name, whether as a mark of respect for the man's life or his politics, was political and obviously so. It could hardly have been ignored by contemporaries. His overt moralism was political. So much so, that Suetonius can simply put his fall down to looking like a stern schoolmaster (*Nero* 37). Tacitus reprimands his withdrawal after the death of Agrippina since it only endangered his life and added nothing to the liberty of other senators.³⁹ But Thrasea's presence gave the senate confidence and a certain amount of freedom to judge and act. Such freedoms were a direct result of the free speech of Thrasea Paetus; because he behaved as if the senate had real power, the senators were encouraged to act as if they had power.⁴⁰ Nevertheless, this was politically problematic, since an active, free-thinking senate would inevitably clash with the

emperor and, perhaps more importantly, generate its own leadership which could be perceived as alternative source of power to the emperor based around the senatorial elite, and so reminiscent of the Republic of old. Without attempting a coup, Thrasea could develop a political following that opposed the emperor, made their opposition clear in their demeanour, in their dress, in their words, all of which followed the *mos maiorum* and were ideologically Republican.

Thrasea wrote a biography of Cato, the archetypal Republican martyr (Plut. *Cat. Min.* 25).⁴¹ Rutledge wonders why this is not mentioned in Tacitus, guessing that it perhaps was not included in the charges against him (2001, 118). It seems more likely that Tacitus wanted to downplay the danger of Thrasea in order to vilify both Nero and the *delatores*, a leitmotif of his work. This also supports the serious political nature of writing a Cato. Even MacMullen writes that it is striking that there are so many examples of men being prosecuted for writing biographies of certain individuals.⁴² Despite Taylor's claim that it was acceptable to praise Cato under Nero, certain sources present this praise as defining Thrasea and as part of his identity, and leading to his prosecution (1949, 180). Shotter sees Thrasea as a link between stoicism and Republicanism, but argues that Thrasea sought improvements in the Principate rather than a restoration of the Republic.⁴³ Rudich and Rutledge similarly see very little evidence for Thrasea's Republicanism.⁴⁴ But while Republicans in AD 41 and 42 had headed armed coups in order to restore the Republic, Republicans under Nero moved away from the use of force and back to more traditional patterns: opposition in the senate house through debate; a mode of behaviour that follows the Republican *mos maiorum* and thus highlights Nero's own rejection of it; attempts at leading the senate in displays of *libertas* and rejection of Neronian policy; withdrawal from public life in order to display the corruption of the regime; writing biographies of Cato; displaying busts of Brutus, Cassius and Cato.⁴⁵ In so doing, Thrasea was almost ignoring the political facts of the Principate and behaving as if Rome was still a Republic, reverting to modes of political activity that had been outmoded since the accession of Augustus. Thus, in many ways, the accusations laid against him by his enemies in AD 66 were accurate: Thrasea was living somewhere else and not in contemporary Rome. Instead of depending on popular or military support, this Republicanism rested on the acclaim of peers in the senate, and the virtues of the individual, an individual who was convinced of his own moral rectitude. The convictions of Thrasea and his ilk rested not just on a reading of the past, but on moral judgements: judgements that were at least in part associated with their philosophical leanings. The link between stoicism and Republicanism is maintained by Tacitus and Dio. *Delatores* are said to

have consistently regarded holding stoic views as evidence of opposition.⁴⁶ Even Rutledge sees philosophical principles as being deliberately provocative (2001, 118).⁴⁷ He even notes the ‘ideological implications’ of stoicism (2001, 119). The link is behavioural rather than doctrinal. As extreme moralism can be seen as Republican, stoicism proposed a personal ethics based on rationalist detachment that was bound to come into conflict with the Imperial regime.

Inevitably, the fall of Thrasea brought down members of his group. Barea Soranus was charged with friendship with Rubellius Plautus and popularity hunting in his province of Asia with a view to revolution (*Ann.* 16.23). Ostorius Sabinus, the prosecutor, implicated his daughter as someone who had consulted magicians, and the two were found guilty owing to a witness, Soranus’ treacherous client and fellow stoic, Publius Egnatius (16.31–2). They were allowed to choose their death (16.33). Earlier, Barea Soranus had condoned the use of force in defending the artistic treasures of Pergamum from Imperial plundering (*Ann.* 16.23), but rather oddly he is also associated with honours granted to Pallas of 150,000 sesterces and praetorian insignia under Claudius (*Ann.* 12.52; Pliny *NH* 35.18; 58; 201).⁴⁸ Both Barea Soranus and Thrasea Paetus were said to have celebrated the birthday of Cato.⁴⁹ By this time a connection to Cato was seen as dangerous; celebrating his birthday was seen as political in the same way as owning a bust of Casius was.

Tacitus has Eprius Marcellus adding the fellow stoic and son-in-law of Thrasea Paetus, Helvidius Priscus, to the list of ‘criminals’, along with Paconius Agrippinus and Curtius Montanus (*Hist.* 4.5; *Ann.* 16.28). Wilson sees Marcellus as using the traditional distrust of philosophy to reinvent stoicism as treason (2003, 540). He claims Agrippinus inherited his father’s hatred of emperors.⁵⁰ In Epictetus, he is described as a professed stoic.⁵¹ Montanus is called a scribbler of abominable verses, and so presumably wrote ill of Nero. Musonius Rufus was also banished; he too is depicted as a stoic (*Hist.* 4.10.1; 4.40.3) and an associate of Thrasea (Epic. 1.1.27). Although banished for complicity in Piso’s failed conspiracy, Tacitus tells us it was really his fame as a philosopher that led to his downfall.⁵²

Griffin tackles the question of why there was so much stoic opposition if the doctrine itself advocated nothing of the sort, concluding that stoicism was merely a convenient means of justifying certain political activities.⁵³ Nevertheless, to dismiss the speeches of the *delatores* as mere sophistry is a mistake. Rutledge is correct to see the charges as genuine and such behaviour by the senators as dangerous.⁵⁴ MacMullen highlights the fact that many philosophers opposed the emperors (1966, 48–9). Rudich’s argument that the prosecutors’ needed to turn inaction into the action in order to secure

a conviction fails to understand the nature of what the defendants were actually doing.⁵⁵ The tactics of Cossutianus Capito could only work if there was some tangible link between opposition and stoicism (Tac. *Ann.* 16.22). There is no strictly political doctrine inherent in stoicism; a professed stoic like Seneca could actively participate in the regime of Nero at the highest level.⁵⁶ In fact, there are examples of stoic informers, such as Egnatius Celer, and stoics close to the Imperial regime, Seneca being the most famous. Traditionally stoics had supported Greek monarchies: for instance, Zeno at the Macedonian court of Antigonos Gonatas or Sphairos to King Kleomenes of Sparta,⁵⁷ and so the term 'stoic opposition' is to a certain extent a misnomer. Stoics often wrote treatises on kingship; Hellenistic monarchs like Cleanthes or Persaeus had such works presented to them.⁵⁸ Seneca himself wrote the *De Clementia* for Nero. Shaw has pointed out how popular the philosophical school was, and how ill-defined and flexible.⁵⁹ Therefore, a doctrine with links so close to monarchy would be unlikely to create opposition to the Principate. Once the argument for stoic opposition fell out of vogue and was criticized by modern historians, the idea of an ideological opposition of another sort was also ignored.

The stoic philosophy did, however, strengthen one's reliance on oneself, expounding the notion that one must be true to oneself, advocating the following of one's talents and reason.⁶⁰ It therefore gave strength to those who based their life on a respect for the Republic of old, who showed determination to uphold a way of life in keeping with the Republican *mos maiorum*, and who had a strong belief in the strength of the senate. Such opposition was moral and Republican before anything else. The link between Republicanism and stoicism was the moral approach. As Brunt points out the typical stoic view was to disapprove of any departure from the old *mores*.⁶¹ Similarly the stoic idea of acting according to one's persona was very much in line with the Republican view of *dignitas*. It suggests acceptance of one's position, whether senator or mule driver, and a belief that one should only be true to oneself. In other words, one should uphold one's own *dignitas* and be honest to one's beliefs. If Seneca believed that by his involvement and participation in the reign of Nero he was doing the correct thing, then stoicism gave him a philosophy that sat comfortably with, and supported, his actions.⁶² Conversely, if Thrasea Paetus was so sickened by the murder of Agrippina he had to leave the senate house, then the philosophy gave him the confidence to do so and supported his withdrawal as the moral thing to do.⁶³ Stoicism accepted the differences in men; Epictetus (1.2.4) gives the example that for one man it is acceptable to hold a chamber pot, but for another it would be unbearable.⁶⁴

Stoicism could support both a senatorial career and a withdrawal from politics.⁶⁵ With such a set of beliefs, talk of the 'stoic opposition' does not really hold true. There was no revolutionary side to stoicism.⁶⁶ The opponents of Nero, Vespasian and Domitian were not opponents because of their stoicism.

It is easy to see that the behaviour of stoics was comparable to that of Republicans; both were highly moral, following an individually chosen set of morals, based on the *mos maiorum* and not the current mores of the Imperial regime. Stoicism could therefore easily reinforce the views of a Republican. Republicans made a lifestyle choice in order to highlight their political beliefs and discontent with the regime. Since stoics may have made a similar choice, albeit for more philosophical and less political reasons, there would clearly be some similarity for contemporaries. In this way, it was easy for *delatores* to liken stoicism with opposition and Republicanism. As Republicans turned more and more to passive opposition in the second half of the first century AD, they naturally found a philosophy that could help guide them in this vein. Hence the popularity of stoicism with Republicans and Seneca's constant attempts to defend the faith from critics and deny comments of its dissident nature.⁶⁷ At a time when Republicanism was being reinvented as a kind of moral stance based on the *mos maiorum*, stoic behaviour shared some common ground with the movement. To dismiss Tacitus and Dio, who link stoicism and opposition, is too radical a step. The behaviour of stoics, their moralism, was too close to Republicans of the day for the comfort of the emperors in question. The stoicism of some Republicans simply gave them the confidence to act.⁶⁸ Philosophy taught the individuals not to be afraid of secular power and to do the right thing at all times. If they could not be coerced they became quite dangerous forces in the senate. These would-be martyrs held up the philosopher Cato as their example; a man true to his principles until the end.⁶⁹

The withdrawal of Thrasea from the senate, his secession, was political. It signified moral contempt for the regime and system; it displayed opposition; it was revolutionary. An emperor needed a senate in order for the Empire to function and in order to validate and legitimize his rule; the name *princeps* was meaningless if there was no senate with which to compare. There were various other sources of legitimacy, such as birth, political career, popular support and the army but clearly the senate was vital; senators wrote the history for one thing. But it was also senators who held commands and ran the everyday business of the Empire. This is why Augustus and Tiberius attempted to depict themselves as Republican – to ensure legitimacy within that order. That is also precisely why both Tiberius and Claudius had censured men who attempted to retire and why Tiberius

took great pains over persuading Piso out of retirement. MacMullen feels that inactivity would easily be intelligible to senatorial colleagues as a protest (1966, 51). If all senators attempted unrestricted freedom of speech in the senate, or all looked askance at the actions of an actor emperor, or all withdrew on hearing the news of Agrippina's death, Nero and his regime would immediately lose legitimacy. This new moral and behavioural resistance, while not rising in arms to restore senatorial domination, was still subversive. In continuation of the stylized Republic, such members lived an austere life; they protected their dignity by resorting to secession if necessary; they refused adulation; they acted independently in their posts. Such behaviour, based on the *mos maiorum* and chosen for political reasons, ensured behaviour that was very similar to that of the detached stoic. By association, stoicism was feared by the Imperial regimes as it was too close to Republicanism. Such opposition continued even under so called good emperors, showing that there was never a clear division between the assessment of morals and the assessment of politics.⁷⁰ In Rome morals and politics were bound together; immorality could suggest tyranny, and at the same time following the *mos maiorum* denoted Republicanism. The stoic philosophy reinforced moral and so political conservatism and encouraged the opposition to voice their opinions.

Vespasian was a completely different man to Nero. The sources present him as good natured, down to earth and jovial. There is no reference to him acting as a tyrant and he did not impose a strict Imperial ideology akin to Hellenistic monarchs as a Nero did. However, for all this, the kind of opposition that manifested itself under Nero, ostentatious in its behaviour and outspokenness, continued under Vespasian. Just as this opposition had centred on Thrasea Paetus under Nero, his son-in-law Helvidius Priscus would take up the helm against Vespasian. The beginning of his reign saw an onslaught against the *delatores*.⁷¹ Musonius Rufus started with P. Egnatius Celer, who had ensured the fall of Barea Soranus. When Junius Mauricus demanded access to the Imperial archives in order to unmask all such men, Domitian, who was acting in the capital for his father, politely declined (Tac. *Hist.* 4.40.3).⁷² Q. Vibius Crispus was successfully defended by his brother M. Aquillius Regulus (of *Dialogus* fame) and Curtius Montanus gave a speech on the evils of informers and the need to punish them (*Hist.* 4.42.3). But although two lesser *delatores*, Octavius Sagitta and Antistius Sossianus, were exiled, the real battle came when Helvidius Priscus attempted to impeach Eprius Marcellus.⁷³

Eprius Marcellus tried all the delaying tactics and diversions he could. In the senate he walked out claiming he would leave Helvidius

Priscus to rule, if he thought he could with Domitian present (Tac. *Hist.* 4.42–3). Clearly he was suggesting those who flocked to Priscus were establishing themselves as a faction in very much the same way as the faction around Thrasea had been seen to oppose Nero. Helvidius Priscus had, after all, opened the reign of Vespasian with a rather lukewarm speech of praise (Tac. *Hist.* 4.4.3; Dio 65.7). Later, as praetor in AD 70 he did not once refer to Vespasian in his edicts. Although not technically illegal, it was insulting.⁷⁴ Moreover, he refused to call Vespasian Caesar Augustus, merely using the man's natural name (Suet. *Ves.* 15). Such a show of disrespect would clearly offend. There was even an argument between the two men in the senate, as if both were simply senators in the Republic. The nature of the argument is also telling. An argument over the succession led to Helvidius Priscus' arrest and expulsion from the building by tribunes and Vespasian supposedly in tears crying that his son would succeed him or nobody would (Dio 65.12.1). Helvidius was ignoring the Caesar in title and in magistracy and by so doing parallels the accusations made against Thrasea Paetus.

Dio tells us that he went beyond the frankness of speech of Thrasea Paetus. In fact, he 'was a turbulent fellow who cultivated the favour of the rabble and was forever denouncing royalty and praising democracy' (65.12.2). Dio's Helvidius Priscus also 'banded various men together, as if it were the function of philosophy to insult those in power, to stir up the multitudes, to overthrow the established order of things, and to bring about a revolution' (65.12.2).⁷⁵ Brunt challenges Dio, and of Helvidius' Republicanism he writes; 'that is not to be believed. Long ago Helvidius had consented to serve the Principate.'⁷⁶ This assertion is far too simplistic. Opponents of the Principate sat in the senate and performed magistracies: Rome was not a modern totalitarian state. It is overly simplistic to expect Republicans to flee or not to take senatorial offices. Moreover, it would make more sense to take the sources' continued reference to believers in the Republic and those who wished to restore the Republic seriously, and then search for evidence of these claims. To assume the literary sources are wrong because they claim a Republican worked in the senate under an emperor is absurd. So are attempts to disprove the stated Republicanism of, for example, Saturninus, because he wore a certain type of ring.⁷⁷ More problematic is Dio's suggestion that Priscus was seeking popular support, since this is very different from the policies and behaviours of Thrasea and others, who tended towards an elitist, aristocratic stance. One might conclude that Helvidius was trying to change this, or that the 'rabble' being roused was a crowd of senators and not the plebs of the city. Perhaps he had learned from the complete failure of the armed coups of AD 41 and 42 and their lack of

popularity with the army and people. Rutledge sees Helvidius Priscus as espousing an 'obsolete ideology' (2001, 124). I would suggest that this ideology was hardly obsolete and influenced many of the political elite. Even MacMullen sees such behaviour as 'violent Republicanism' (1966, 55) and explains such extreme behaviour as necessary because fewer people were listening to such men by this time.⁷⁸ This could quite easily be true. Levick points out that his call to curb expenditure due to the *publicam paupertatem* was a political act; the senators felt that the emperor had encroached on their private as well as public finances; they were no longer in control of the treasury and such a call, early in Vespasian's reign was an attempt to recover senatorial prestige and *auctoritas* (1987, 196–7).⁷⁹

Helvidius' exile led to the exile of all philosophers from Rome; Mucianus seems to have taken the lead in this. According to Dio, his hatred of those who would not show him respect led him to denounce the stoics, telling Vespasian that they looked down upon everybody and took up the appearance of wisdom (Dio, 65.13). Vespasian duly exiled all philosophers, with the exception of Musonius. Dio names two individuals, Hostilius and Demetrius, on whom the decree had no effect since Hostilius merely 'inveighed all the more strongly against monarchy' and Demetrius refused to leave (65.13.2–3). Yavetz sees the exile of philosophers and astrologers as only happening once they had begun to meddle with the lower classes. He sees their danger as coming from their influence over the plebs, as opposed to the elite (1987, 138).⁸⁰

Dio compares Thrasea Paetus with Helvidius Priscus to highlight the differences; Thrasea had not said or done anything to insult Nero; he simply refused to share in his practices. Helvidius, on the other hand, actively attacked Vespasian (65.12.3). Suetonius tells us that Vespasian bore the impudence of philosophers with great patience, giving the example that when Demetrius the Cynic refused to rise and salute him he simply called the man a cur (*Vesp.* 13). He depicts similar patience with regard to Helvidius Priscus, not showing any anger until Helvidius had all but degraded him (*Vesp.* 15). Helvidius continued with his free speech from exile and was finally executed in AD 74/5.

Helvidius was vociferous and antagonistic. Dio tells us that he praised democracy. He took advantage of a more affable *princeps* to put forward his political views, ignoring the emperor, pushing for the freedom of the senate, and even questioning the succession. It is perfectly plausible that he argued that on Vespasian's death that power should return to the senate.⁸¹ One must remember that the *lex de imperio vespasiani* clearly stated the regime's policy.⁸² In AD 71, *libertas* also dropped off the coinage of Vespasian in exchange for

Concordia Senatui and *Providentia*.⁸³ Before Vespasian entered Rome, Helvidius Priscus had done the utmost to advance senatorial freedom. He argued that the senate should act in Vespasian's absence to remedy the situation at the treasury (Tac. *Hist.* 4.4). He also advocated the senate choosing the members of the delegation to welcome Vespasian, thereby commending to him valuable advisors and avoiding the likes of Eprius Marcellus and the informers (4.6.3–8). It would seem that he was reasserting senatorial power in a manner that would inevitably lead to him clashing with the emperor, whose supreme power he did his best not to acknowledge.

Under Domitian there was another purge of philosophers and this involved an attack on the son of Helvidius Priscus, who bore the same name.⁸⁴ Some of this opposition was literary and involved eulogizing the martyrs Thrasea Paetus and Helvidius Priscus the Elder. Hermogenes of Tarsus was killed due to allusions in his history; Aelius Lamia for jokes about Domitian; Junius Rusticus for eulogies of Thrasea Paetus and Helvidius Priscus; Helvidius Priscus the Younger was executed for a farce he wrote that Domitian read as offensive to himself and his wife (Suet. *Dom.* 10).⁸⁵ Maternus, a sophist and probably the man referred to in Tacitus' *Dialogus*, was killed for delivering a speech against tyranny; Arulenus Rusticus for revering Thrasea Paetus; Herennius Senecio for writing a biography of Helvidius Priscus and for refusing a political career after holding the quaestorship (Dio 67.12–13).⁸⁶ Alston sees this as a purge of a philosophical-literary group who used their literary output to assert senatorial liberty.⁸⁷ Despite the bans on philosophers, Jones has argued that Domitian had no quarrel with stoicism or philosophers in particular. As primary evidence he cites a gift of 100,000 sesterces to a philosopher Flavius Archippus (Pliny *Ep.* 10.58) and the publication of the *Punica* by Silius Italicus, supposedly full of stoic ideas, without their being any particular repercussions.⁸⁸ Further, he suggests that the sources are inconsistent: Dio, Suetonius, Pliny and Tacitus associate different authors with different eulogistic and philosophical activities.⁸⁹ Yet, it is clearly not possible to treat stoicism or Roman philosophy as a single unit. Stoicism centred its focus on ethics and the ideas of the stoics had much in common with other forms of ancient ethical thought – and their influences were probably widely felt. Thus, a work in which a modern scholar might detect some stoic influence is not necessarily philosophically 'stoic'. Still less could it be read as thereby being intrinsically oppositional. Pliny makes no mention of its stoic or oppositional content (*Ep.* 3.7). The sources' presentation of emperors moving against philosophers makes much more sense if these individuals were bound by other ties, such as Republicanism. It is clear that there was a group of people who held

onto the memory and traditions of Thrasea Paetus and Helvidius Priscus and publicized their actions and characters through biographies and eulogies, knowing full well that such actions risked condemnation by the emperor, and although this group of people were also associated with stoic philosophy, they were much more connected to a belief in the virtues of the Republic, the *mos maiorum*. Such actions were clearly antagonistic and ideologically Republican.

By the Domitianic period, there was an established genealogical element to the 'stoic opposition', though this familial element can be traced back at least into the Claudian period. A. Caecina Paetus⁹⁰ fell in the revolt of AD 42 fighting against Claudius in an attempt to restore the Republic.⁹¹ His daughter Arria married Thrasea Paetus, who became their son-in-law and took the *cognomen* of his father-in-law. They in turn had a daughter Fannia who married Helvidius Priscus, who himself had a son of the same name. The extended group included Arulenus Junius Rusticus, a pupil of Thrasea Paetus, who had offered to use his tribune's veto against his teacher's conviction in AD 66 (Tac. *Ann.* 16.35; 16.26) and Rusticus' brother Junius Mauricus (*PIR*² J 771). The former was executed; the latter exiled (Tac. *Agr.* 45). This is the stemma flowing down the Republican opposition.⁹² Yet, instead of family relations making a political faction, it is likely that family ties were used to cement pre-existing political, literary, social and ideological ties. As Alston points out, family connections helped the ideology of opposition pass from one generation to another, creating a dynasty of opponents.⁹³ In Roman politics families usually stuck together. So an offence against a brother, father, or uncle was likely to provoke attempts at revenge. The Piso brothers under Tiberius are a good example of this from our period. This tradition not only meant that disputes within the elite were prolonged across generations but pushed sons into the same patterns of political enmities as their fathers, and also gave them a ready-made political role into which they would be expected to step once they had reached maturity. Marital alliances created a similar pattern of obligations and loyalties, so that when a family was deprived of a direct male descendant, sons-in-law might be expected to step up to defend a family's reputation. Unless they showed their devotion to their husbands through suicide, the women of the family were more likely to survive political turmoil, and played a crucial role in maintaining those links and traditions. Marrying into a prominent political family in these circumstances was, then, to marry into a political position and thus marrying a daughter of Thrasea Paetus was rather more of a potential commitment than in most marriages. There was a similarity in ideological beliefs, and those could lead to the marriage alliance. Because of this, the Paetus family (and no doubt others) would attract

suitors of a certain political persuasion and politics and family (and perhaps also philosophy) would form parallel bonds, linking the group. Such family connections were bolstered by the nature of Roman society; dinner parties and recitals, where family members and friends converged, were used to spread ideas and opinions. Discussions would go on way into the evening; eulogies of dead friends or those one respected would be given. As MacMullen points out, talk could turn to politics easily and people who felt themselves safe could speak their minds (1966, 36–41). At such parties, talk of Brutus, Cassius, Cato and later Thrasea Paetus would surely occur. Such dinner parties and recitations of literature (some of which was designed to make a political point and could even lead to prosecution, such as a *Thyestes*) all helped link the opposition. The continued hatred for a family by a powerful emperor could be seen as sadistic, but it is much more likely the emperors moved against individuals because there was actually a threat.

Among the group of dissidents often referred to as the ‘philosophical’ or ‘stoic’ opposition, we see many individuals opposing the emperors on the grounds of a Republican ideology. Although an unpopular proposal, often doubted by modern historians, Yavetz has admitted, ‘I do not like the term ideology for Ancient Rome, but I have no doubt that there were important political issues, for which senators were prepared to fight just as they fought for personal fortunes’ (1987, 244). He goes on to cite the *Agricola* and its question of how to reconcile the Principate and *libertas* as evidence for just such a debate (Tac. *Agr.* 3). They opposed tyranny and behaviour that deviated from the *mos maiorum*. This opposition was subversive and dangerous, as has been shown, and was opposition deeply rooted in Republican ideology, though in some cases cemented by family ties and philosophical beliefs.

The Fall of Nero and the Civil Wars

Although I have argued for a general shift post-AD 42 away from militant Republicanism, the events around AD 68–9 brought into focus certain elements of the Republican tradition, most notably with Macer and Galba. Although it is perhaps only Macer who makes a serious attempt to depict himself as a restorer of the Republic, some of the various pretenders to the throne sought to win over Republican opinion and show loyalty to the traditions of the Republic.

When Clodius Macer revolted in Africa with his one legion, he quickly began to strike coinage with distinctly Republican characteristics.⁹⁴ Zehnacker has shown that gold coins were mainly

used by the elite and so one would expect a message aimed at the political class on such coins (1987, 323). Therefore such coins' iconography is to be seen in the light of an attempt to win senatorial, and not popular, support. He refused to recognize Galba on Nero's suicide and continued his revolt in Africa, raising new legions.⁹⁵ From Africa he was a threat to the corn supply.⁹⁶ However, his motives are far from clear and he is under-represented in the source material.⁹⁷ Plutarch attests to his cruelty and greed and his independence (*Galba* 6). Tacitus calls him a petty despot (*domini minoris*; *Hist.* 1.11), but later has Otho name him as victim of Galba's tyranny, albeit in a speech (*Hist.* 1.37). Macer styled himself pro-praetor of Africa by decree of the senate.⁹⁸ As Rudich points out, it is unlikely any such decree existed and he was therefore simply recalling the pre-Augustan Republic.⁹⁹ He changed the name of *Legio III Augusta* to *Liberatrix*. Similarly he featured on a coin without an Imperial laurel crown and with an obverse of a figure of liberty.¹⁰⁰ Zehnacker believes Macer's coinage shows that he wanted to get a message across that he would stay loyal to the senate and not present himself as emperor as his coins were inspired by those of the Late Republic (1987, 336). Although there is a temptation to see this as eccentric and marginal, perhaps a desperate bid for popularity on the part of a usurper who realized that he had far too little political and military support to survive, Galba similarly also decided to call himself a legate of the senate and people of Rome until his position as emperor was ratified by the house itself (Suet. *Gal.* 10; Plu. *Gal.* 5). Galba also issued coins in the name of *SPQR* and *Libertas PR Restituta*.¹⁰¹ Zehnacker has shown the similarities between Galba's coinage and those of Brutus and this recollection of the constitutional language of Republicanism shows an element in the presentation of the usurpers (1987, 338). He also sees Galba as using both Republican and Augustan features in order to appeal to and reconcile the opposition to Nero (1987, 340).¹⁰² One could see these recollections not only as attempts to bring Republicans round and win over a broader political base but also as a means of differentiating the new regime from the Neronian, and perhaps even from the string of Julio-Claudian emperors, proclaiming some kind of possibly Augustan restoration. Rudich calls such language 'constitutionalist' as opposed to Republican, but when such terms are soaked in Republican ideology, and Augustus himself presented his regime as Republican, that division is a false one.¹⁰³ If anything, a desire for a more 'constitutionalist' regime is a desire for a move towards a more Republican regime, where there are constitutional checks on the power of the individual. Clearly if these representations were being used, they must have been aimed at an audience, at Republicans to whom they could appeal. The fact that

Republicanism had no real popular support in this period is immaterial. It must have been an attempt to appeal to at least a certain faction within the senate in order for these coins to be struck.¹⁰⁴ This shows Republicanism was an ideology and an issue during the period.

The literary accounts also have clear Republican echoes. Keitel sees the Galba speech in Tacitus on his adoption of Piso as demonstrating Galba's fundamental desire to restore the Republic but a pragmatic decision that the adoption of an heir was the only realistic solution to the various problems facing the regime (Tac. *Hist.* 1.16).¹⁰⁵ Levene points out that it was full of Republican rhetoric, and that Tacitus shows that Galba's attempt to confine himself to the Republican framework is to fail to understand the nature of power in Rome (2009, 218).¹⁰⁶ That ties in with Galba's unpopular strictness, and behaviour in office. However, we need not see Galba as a man who wanted to restore the Republic; indeed, there is no evidence in his actions that this was ever his intention, and one might assume that his period in power was sufficient to have allowed him to at least make steps in that direction.¹⁰⁷ But the sources ascribe the fall of Galba to his very traditional, Republican temperament. With Galba we have a *princeps* basing his rule on the *mos maiorum*, and yet being unpopular for it with the praetorians, the army and the people. Tacitus and Suetonius suggest that his traditional morality and his *severitas* were unpopular and hopelessly outdated (*Hist.* 1.18; Suet. *Galba* 12, 14, 15). Again, Republicanism is viewed as unpopular.

He was ruined by his old-fashioned strictness and excessive severity – qualities which we can no longer bear. (*Hist.* 1.18)

Suetonius tells us he practiced ancestral customs at home (*Gal.* 5, 6, 12). His attempt to command like the Republican heroes of Scipio, Camillus and Fabricius met with contempt from the likes of Tigellinus and Nymphidius (Plut. *Gal.* 29). Suetonius even claims he contemplated giving offices solely to those who refused, in order to curb ambition (Suet. *Gal.* 15). Galba offended the praetorian guard by refusing to provide a donative; he ignored the legions who had defeated Vindex;¹⁰⁸ he insisted on eating off his own dinner service and not that of the Caesar; he demanded the return of Nero's gifts; he proposed fewer spectacles (Suet. *Gal.* 12, 15). He had loyal followers such as Marius Celer, who was spoken of as admiring the last Republicans (Plut. *Otho* 13), and was loyal to Galba until the end.¹⁰⁹

Galba was in many ways a Republican emperor: an emperor who took seriously the Republican behavioural modes through which the Neronian opposition had expressed its discontent. But Galba both failed to restore the Republic or to establish a viable Imperial regime.

The critiques of Galba make clear that his political activities were hopelessly idealized, outdated and doomed. Not only did Galba fail to win the support of his senatorial colleagues, but he failed to secure the support of the people and the army. As in the restoration movements of AD 41 and 42, Republicanism had no appeal for these key constituencies. Galba's Republicanism is shown to be impractical, but it is still ethical, and his failure raises the issue of where the fault lies: is it in Galba's political and personal incompetence or in the ideology itself or in the times in which he lived? Tacitus' answer at least, appears to be the latter and this raises a further problem: the extent to which Republicanism could survive as a practical political programme or should be regarded as an ethical code. It seems that Galba's fall confirmed the political lessons of AD 41 and 42, but in so doing did not undermine the importance of Republicanism as an ethical code, which could be, in a somewhat contradictory fashion, transmuted into a political stance. Republicanism comes to occupy a comfortable space as an ethical code that distinguished the elite who held to it, and separated them from the difficulties and moral quandaries of contemporary political life. Like Helvidius Priscus, the Republicans could exist within the Imperial system, and act as leading Romans (for that was the duty of the Republican elite male), while denying the legitimacy of the Imperial regime.¹¹⁰ But this made them just as dangerous as the militant Republicans who attempted restoration, and this explains the moves against them by the emperors, and their motivations as presented to us in the literary sources.

Conclusion

MacMullen tries to answer the question of what men like Cordus, Thrasea Paetus, Lucan and Maternus actually wanted and why they opposed the Principate (1966, 28). He feels misgivings in the texts of Lucan, and others such as Tacitus, Pliny and Seneca, show that these individuals did not aim at restoration (1966, 32). The argument is weak. Using sections from the *Panegyricus* where Pliny praises Trajan's character is hardly proof of his devotion to the Principate (*Pan.* 6.3; 44.4). Denying the relevance of the countless connections given in the sources between the men and their Republicanism is simply not doing justice to those sources. MacMullen does, however, see the opposition as wanting to speak their minds, as desiring the rule of Law, as requiring more power and dignity for the senate, as demanding free speech and that the ancient magistracies should have some real power and not simply be decorative (1966, 32). But he still feels that the Roman population was almost unanimously in agreement that Rome

needed a Principate (1966, 32). Having shown that the opposition demanded what amounted to either a Republic, or rule more in line with the Republic, he then claims almost the whole population of Rome wanted the Principate. This may be true of the plebs, but not the elite. If certain opposition aimed at more power for the senate, freedom of speech, the rule of Law, et al., then they would clearly desire a restoration of the Republic or elements of Republican rule. This is no surprise and the sources continually tell us that this is the case. Naturally there were men who felt a real restoration was desirable and tried to force the issue. Others probably felt they should move one step at a time to improve the conditions of the senate toward the ultimate goal (or dream) of the Republic. And for many, actual restoration was probably never seriously considered, but pressure on a *princeps* to act as a Republican could better the lives of the elite. At the same time, plenty of senators were happy to side with the emperor, however autocratic, for their own benefit.

Throughout the reigns of the emperors from Tiberius to Domitian there is clear evidence of Republicanism. Men fought and fell to restore the Republic. Later, when the lack of popular support with the masses, the army and praetorian guard for such a Republican restoration was made obvious, this opposition refocused. Oppositional leaders tried to restore some *dignitas* to senatorial proceedings, furthered freedom of speech and freedom of action in the senate, and kept alive the spirit of the Republic through eulogies of men such as Cassius, Brutus, Cato and later Thrasea Paetus and Helvidius Priscus. As Warmington shows, the myth that surrounded Cato was testimony to both his morals and the intensity of feeling over the fall of the Republic. Augustus knew the danger of such a man and his memory; he himself wrote an anti-Cato (Suet. *Aug.* 85). Augustus and Tiberius banned public images of Brutus and Cassius for this reason.¹¹¹ Certain men were more aggressive and vociferous, like Helvidius Priscus the Elder. Some simply made their disdain for the system known in their behaviour. But many were still prosecuted.

By the Neronian period, and possibly earlier, the political scene at Rome was becoming factionalised. Takács sees Nero as suspending the rhetorical fiction that the emperor was first among equals and misjudging the power of the elite (2001, 62–3). By making monarchy so obvious, and using his power, there was bound to be opposition, especially when the *mos maiorum* were still deeply imbedded in the culture. It is true that many, loyal to the emperor, may have had no interest in senatorial freedom. But others advocated an extension to senatorial power. Tacitus speaks of two groups in the *Curia* – the *multi bonique* and the *pauci et validi* (*Hist.* 4.43). Rudich sees the *multi bonique* as adhering to the moral system of the *mos maiorum*, of *pietas*

and *virtus*, whereas the *pauci et validi* were the informers who aimed at personal power.¹¹² Rutledge sees the *delatores*, who clearly come under the latter category, as having interests deeply tied up with the Imperial court.¹¹³ Such men gained from prosecuting the other side. The clash is clear in all the sources. Obviously not all of the emperors' supporters informed. And similarly, in this system it is possible that only a few of the *multi bonique* were hard-line Republicans. But the battle between informers and Republicans is a serious one and to discount the reasons for the prosecutions (i.e. having a bust of Cassius or displaying strict adherence to the *mos maiorum* or creating a faction) is a mistake. Rutledge has shown that the *delatores*' supposed attempt to create opposition failed, especially under Tiberius and Nero.¹¹⁴ I would argue that there was no need to create opposition in order to succeed in the courts; the opposition was there and that is why the charges of the informers were taken so seriously by the emperors. If a man was pushing for 'constitutionalist' reforms, as Rudich would say, then he was pushing for the freedom of speech in the senate house, for senatorial *dignitas* and *auctoritas*, for an adherence to the *mos maiorum*, and ultimately for senatorial power. To attempt to impose 'constitutionalist' ideology, morals or laws on an emperor was Republicanism. Suetonius shows Domitian's attitude:

After his victory in the civil war he became even more cruel, and to discover any conspirators who were hiding, tortured many of the opposite party. (*Dom.* 10)

Suetonius' sees two factions under Domitian.¹¹⁵ There was Republican opposition throughout the period. There was quite clearly a group, often bound by family ties as well as philosophical, who advocated showing their opposition to the Principate, regardless of *princeps*, in Republican terms, either through attempts at restoration or ostentatious displays of moral behaviour based on the Republican *mos maiorum*. Rudich may see *mos maiorum* as conduct and custom, not ideology, but Republican ideology was based on the *mos maiorum*, displaying the moral traits and proposing the politics and ethics of the system.¹¹⁶ Rudich does, however, discern constituent elements in the dissidents, including 'legalism', 'constitutionalism', and 'Republicanism', albeit of a 'romantic nature' (1993, 240). However, we have seen that Republicanism was transformed from precisely such a constitutionalist or legalist position to become an ideology entrenched in behaviour and morality that looked back on the Republic as an ideal age and attempted to follow in its footsteps. Republicanism became an ideology that advocated austere behaviour in line with the *mos maiorum*, strong independence of action, freedom of speech and freedom of the senate. This was as dangerous to the

Imperial regimes as the earlier militancy of the Republicans who wanted to change the 'constitutional' set up. The ancient literary sources were aware of this, and comments like that of Suetonius who tells us Thrasea was executed due to his austere bearing should be seen in this light.¹¹⁷

The first century AD sees Republican ideology shift from a legalist or constitutionalist position to one where the acknowledgement of the unlikely restoration of the Republic ensures Republicans simply act the part, attempting to influence the emperor in Republican behaviour. MacMullen explains this as once the men with family connections to the Republic had died, a more theoretical or sentimental link to the Republic was formed, which was more moral than political (1966, 68–9). But that moral position was intensely political, as I have shown. Although discounting their Republicanism, MacMullen weakly sees their danger in spreading ideas to other more dangerous men (1966, 70). MacMullen goes on to see these later protagonists, the stoic opposition as he would see them, as working in the realm of ideals and not actions and that they were in a sense harder to deal with than the political opposition (1966, 78). What MacMullen misses is the obvious connection between these men and the Republic. He admits they used the Republican aristocratic way of remembering their Republican heroes, such as *imagines* in the privacy of their home, but he misses the importance of this link to those Republican figures (1966, 77). Thrasea wrote a Cato, then Arulenus Rusticus wrote a Thrasea and Herenius Senecio wrote about the elder Helvidius Priscus. The link was there, back to Cato and the Republican heroes.

Having seen the evidence for a Republican opposition, it is time to investigate this Republicanism in the discourse of the first century AD. The literary sources present the prosecutions of individuals for Republicanism. How far is this 'historical truth' reflected in the discourse of the first century AD itself?

Part II

The Discourse

Historians of the period, and those who wrote in the period itself, refer to men who opposed the Principate in order to restore the Republic, or who objected to the behaviour of the *princeps* and advocated a different mode of behaviour, namely one based on the *mos maiorum* of the Republic. With the evidence of such reported events in mind, the construction of this Republicanism in the texts of the first century AD warrants investigation. Divining the political views of Seneca, Pliny or Tacitus is unnecessary.¹ My approach concentrates on ideological issues, and the relationship between such issues and political activity is complex.² In *The History of Sexuality* Foucault observes the link between power relations and the discourses of a period, investigating how power relations make possible these kinds of discourses and how these discourses were used to support power relations.³

Such a method of inquiry, looking at the unstable power relations of a society that are constructed within the changing discourses of an era, offers a sensitive and flexible approach to political writings that is invaluable herein, treating the texts as ‘monuments’.⁴ As Gutting has explained, for Foucault, archaeologists of knowledge are less interested in what the writer of a text meant, and instead use the texts of the period to understand the general structure of the system under which they thought and wrote.⁵ In other words, we can look at the texts of the first century AD,⁶ such as the works by Valerius Maximus and Velleius Paterculus or the *De Clementia* of Seneca or the *Panegyricus* of Pliny and use them to see what issues were being debated and discussed and what that means for their society and systems of thought. Our aim is not to see how the Republic was remembered; Gowing’s work has already pursued that.⁷ But instead I aim to uncover the political importance of the Republic in the first century AD. The historical narratives suggest that there was indeed opposition which represented itself in Republican terms. We would expect to find these discourses of Republicanism (disputed as they were) crossing generic boundaries and emerging not just in the historical narratives but also in the texts on ‘good government’ and

despite claims to the contrary, this is precisely what we find.⁸ In the following chapters the discussion will be divided into investigations of Law, Behaviour and Morality and we see how the Republic, and its code of conduct the *mos maiorum*, were debated and politicized during the first century AD.⁹

Chapter 3

Law

In the *Annales* of Tacitus there is an account of a seemingly innocuous event. The praetor Vipstanus Gallus had died and a replacement had to be found; the *lex papia poppaea* stated that the number of the candidates' children should decide the issue in such a case, but Drusus and Germanicus, the children of the Emperor Tiberius, supported a certain Haterius Agrippa instead. The senate was divided between the opinions of the sons of Tiberius and the Law.

The Law was certainly defeated, but not immediately and by a few votes only, which was the way, when the laws had force, they were defeated. (Tac. *Ann.* 2.51)

This comment suggests two things; first the fact that there was a vote and opinion was split was exceptional in Tacitus' own day and so caught his attention. Secondly, he asserts that the laws were losing authority by the time of the Principate of Tiberius, but that this was an on-going process, associated with the Imperial system.

Whereas Tacitus laments the decline of Law, Livy contrasts Republican and Imperial attitudes towards the Law in his *History of Rome*. Talking of 462 BC he writes:

But there had not yet come about that contempt for the gods which possesses the present generation; nor did everybody seek to construe oaths and laws to suit himself, but rather shaped his own practices by them. (Livy 3.20.5)

Livy depicts a decline in respect for Law and religion as individuals interpreted those laws to suit themselves against the traditions of moral behaviour.¹ In Livy, the true Republic is marked by its respect for laws and moral traditions, and the end of that respect in some ways marks the end of the Republic.²

This chapter is not a history of Law itself or of the Republic. Instead it focuses on the discourse on Law during the Augustan settlement and the Principate, with reference to Republican precedents. It is not part of this work to consider the actual workings of the Law, of the

magistrates, and of the suspension of Law. Instead of seeing Law in the strict sense of *leges* passed in the assemblies, this chapter focuses on the notion of Law and how it was discussed by contemporaries and what part it played in ideological debates, primarily of the first century AD.

Law was a key element in Roman political thinking.³ It is clear that the legal position of the emperor was not only debated, but also that the emperor had clear choices on how to present his own position and how to act with reference to the Law. He could choose to ignore individual laws, or execute without trial, or he could show deference to the laws that constrained others. Winterling has shown that the failure of emperors who attempted to disregard the Republican institutions shows that legal positions were of relevance to power.⁴ In the Republic there had been a tension between two concepts: the Republic being the Law and the Law existing to defend the Republic and, therefore, being outside the Law. Augustus used a return to legality as the basis of his constitutional settlement of 28/7 BC, and that restoration of the Law, and in particular the Law as the protector of citizens, was, in a sense, a restoration of the Republic.⁵ Nevertheless, as Tacitus argues, the Law was used to impinge on the rights of the individual and to defend the Imperial position, and there is a tension between the view that the emperor is above the Law, as expounded by Seneca in the *De Clementia*, and that the emperor is guided or governed by the Law, except in special cases, as suggested by Pliny in the *Panegyricus*, that continues, in modified form, the Republican debate. It is precisely because Law was so fundamental to the Republic that the emperors' relationship to the Law was debated within the texts of the first century.

Theorists on the Republic and Law

During the Republic the concept of Law was debated and used for various political ends. Law was seen as a foundational element of the state, but also limited the state's response to internal threats, as in the Catilinarian conspiracy. The tendentious relationship between Law and the Republic created a host of problems for the government of the Republic and this would continue into the Principate.

Livy repeatedly speaks of the Law in his *History*. Indeed, he sees Romulus as inventing a code of Law 'since nothing else but Law could unite them into a single body politic' (1.8.1). By retrojecting the formation of a code of Law to the foundation of the state, Livy suggests that to be Roman one must be governed by Roman Law. Rome started as a mix of different tribes; it was not monocultural.

Therefore it was Law that bound them together as a nation. Moreover, for Livy Romulus only adopted 'emblems of authority' so people would follow the Law; in other words, the trappings of kingship were by-products of Law. Livy writes that after the expulsion of the kings 'The new liberty enjoyed by the Roman people, their achievements in peace and war, annual magistracies, and laws superior to men will henceforth be my theme' (2.1.1).

Law was superior to all men in Livy's Republic, enshrining the 'new liberty' that is identified with the Republic. Later, as soon as Rome emerges from the capture of the city by the Gauls, there is a search for the old Law of the Twelve Tables and even of the kings. The restoration of Law was fundamental to the restoration of Rome.

Furthermore, Livy saw the necessity of the executive being subjected to the Law. One of the fundamental differences between the Republic and a monarchy was thought to be the limitation on office holding: magisterial positions were (normally) collegial and never held for more than a year. Additionally, the *potestas* of the magistracies came to be restricted by tribunes. In his digression on Alexander, Livy explains that this is all very different to kings who determine events as opposed to being dependent on them (9.18). This is fundamental to Roman thinking about their Republic; there are safeguards against tyranny, monarchy, or simply the concentration of excessive power in the hands of the individual.⁶ When Appius Claudius, as censor, stayed in office, his actions were compared to monarchy since his prolongation of his post set him above the processes of Law (9.34).

During the Republic even the dictatorship was restricted by limitations on the term of office. This emergency suspension of the Law in order to protect the state was identified with the Law.⁷ This tension between the Law and the measures deemed necessary for the protection of the state surfaced repeatedly. Livy has Fabius say that the annual magistracies and legal checks on a general hindered the war effort against Hannibal in 214 BC (24.8) and the dictatorship even as an emergency measure appears to have been unpopular, as, for example, after the disaster of Lake Trasimene in 217 BC (22.8).

The potential difficulties are illustrated by the story of the *decemviri* of 450 BC who were appointed to create Law and restore the state, but once they themselves ceased to be subjected to Law, they became tyrants. Livy explains that it was the *decemviri* 'who had done away with free elections, with annual magistracies, with the succession of new governors – the only means of equalizing liberty' (3.39.8).⁸ For Livy, free elections and the regular transfer of power from one magistrate to another was fundamental to the Republic. The Republic was thus dependent on laws that checked the powers of magistrates.

For the plebs, the safeguard of their liberty (and thus of their citizen status as Romans) was the right of appeal, enshrined in Law and inextricably linked to the tribunate (3.56).⁹ Although the holders of *imperium* could be seen as representatives of the Republic (and Law), those magistrates holding *imperium* still needed to be bound by Law.

This binding by Law was not, however, straightforward. Given that magistrates were not subject to legal challenge during their period of office, which in itself could be seen as a suspension of Law in the face of executive power, for the executive to be subject to Law, magistrates needed for certain periods not to be magistrates. Continuous holding of office would mean that the magistrate would be continually in suspension above the Law, and in Livy's view, this was characteristic of monarchy. Hence the kings and the *decemviri* were liable to use their power against the citizens, which effectively removed those citizens from the protection of the Law.¹⁰

Alternatively, the Law superseded all other ties, and the good magistrate was subject to Law in all situations. As consul, Titus Manlius killed his own son for disobeying an order on the battlefield, and Livy stresses the benefits of this (8.7).¹¹ To have not acted against his own son would have been to suggest that the family of the consul was beyond Law, and that there was a monarchic suspension of Law.

In Livy's History of the Republic unscrupulous men show contempt for the Law; Gaius Licinius Stolo was prosecuted under his own law for holding more than 1000 *iugera* of land with his son, and evaded the *lex* by freeing his son from paternal authority (7.16). Here we find a distinct lack of respect for the Law by a senator driven by personal gain. When senators lost respect for the Law it was a short step to believing they were above it and seeking more and more personal power in spite of it. For Livy the accumulation of power and wealth in the hands of an individual sufficient to allow them to treat the Law with contempt was contrary to the *mos maiorum* and undermined the Republic.¹²

Livy also refers to the Romans giving their frauds the semblance of legality (9.11). Having surrounded the Roman forces at the Caudine Forks in 320 BC the Samnites agreed to let the legions go under certain terms. The Romans denied the legality of the treaty because it had not been agreed by the people; it had just been guaranteed by the consuls who made it. The Romans therefore gave up the consuls to the Samnites in order to continue the war. In an even more blatant attempt to secure the legal advantage, the former consul Postumius attacked the Roman envoy once he had been handed over to the Samnites, claiming he was acting as a Samnite prisoner of war and therefore was a legally responsible Samnite. An attack on an envoy was against international Law, and the Romans could cite this as an

affront and pretext for war. The whole episode emphasizes the extent to which the Roman mentality required legality for official actions and how expert they were at manipulating that Law, and in that manipulation there is a clear moral issue.

In 212 BC, Scipio Africanus was voted aedile despite being under the legal age, claiming that if all Rome wanted him to be aedile, he was old enough (25.2). A year later Lucius Marcius wrote to the senate calling himself pro-praetor. Livy points out the bad precedent it set, allowing troops to choose their own commander against the Law (26.2). In 205 BC Scipio, we are told, intended to invade Africa with or without senatorial permission, through a vote of the people if necessary (28.40). Although not strictly illegal, it was against constitutional custom. The senate, knowing they would not be consulted, simply ratified the command (28.19), and thus avoided a constitutional crisis, showing the necessity of the semblance of legality.

There was a tension between the checks on excessive powers that the legal system provided (for example in the yearly, collegiate magistracies) and the attempts by individuals to acquire greater and greater power.¹³ In 349/8 BC, Camillus was attacked for having himself elected consul despite already being dictator, thus showing his contempt for the *lex licinia* (7.25). In 8.7 the consul Tiberius Aemilianus Mamercinus of 339 BC wanted a triumph and when the senate refused he acted like a tribune and attacked the senate. The laws which restrained excessive accumulation of power held back tyranny and monarchy, but also made enemies of those who thought that their legitimate ambitions were being thwarted. When individuals started to bypass institutions or ignore laws, the whole Republican Law system and all that went with it, was in danger.¹⁴

Clearly, Livy is showing that the erosion of the Law threatened the state. Yet, some of those erosions were complex in their political significance. In 298 BC, Fabius tried to uphold the Law stating that no consul could be elected for successive years, denying himself the glory of such an extended magistracy for the good of the Republic. However, the tribunes simply offered to pass a law to make him exempt. Livy has Fabius then questioning the point of making laws if even the lawmakers were going to evade them (10.13). But Fabius gave in to the people's demand, suggesting that the will of the citizens surpassed that of the Law (and perhaps that the citizens were themselves above the Law). This example highlights a fundamental tension in that the Law is the essence of the Republic but that Law can be suspended for the needs of the Republic. If the Law can be suspended to save the Republic, then the essence of the Republic cannot be the Law. There is no absolute answer to this conundrum,

but it highlights the potential for debate.

Nowhere is this tension more clear than during the debate over the Catilinarian conspiracy, recounted by both Cicero and Sallust.¹⁵ In the debate that follows the uncovering of the conspiracy Cicero and Cato advocate breaking the Law in order to execute the conspirators and so save the Republic.¹⁶ It is Caesar who disagrees, citing the Sempronian Law which forbids such mistreatment of citizens without trial.¹⁷ Cato speaks forcibly against Caesar; desperate measures are required to save the Republic. The side of the Law lost. The question of whether it was acceptable to break the Law in order to safeguard the Republic had no easy answer when the Law was foundational to the Republic. It is this debate, rather than the final defeat of the conspirators that forms the centrepiece to the *Bellum Catilinae*, as if in some way the debate encapsulates the issues that surround the fall of the Republic. This unease runs through Cicero's speeches *In Catilinam*. The orator continually calls to his audience's attention the service he has rendered Rome in foiling the conspiracy. However, the first speech, delivered in the senate, shows his frustration that Catiline is both alive and present. The senate had even already passed its ultimate decree as a result of the perceived danger, but Catiline was still operating in Rome. Cicero cites numerous examples from the past of when a citizen had been executed for the good of the state, such as Tiberius Gracchus' death at the hands of P. Scipio 'even though he was not seriously undermining the state of the *res publica*' (*Cat.* 1.3). Similarly, Gaius Gracchus 'for all the distinction of his father, grandfather and ancestors was killed on vague suspicions of treason' (*interfectus est propter quasdam seditionum suspiciones C. Gracchus, clarissimo patre, avo, maioribus*; 1.4). Cicero's contention is that as long as Catiline has even one ally who is willing to prosecute Cicero, Cicero cannot order the execution (2.6). Here, Cicero sees Law as hampering the dispensation of justice and the defence of the Republic. But it is not just Law; Cicero asks if he was to bundle Catiline in chains, would it be against the old customs of Rome; *mosne maiorum* (1.28)? Cicero wonders whether the laws that have been passed concerning the punishment of citizens should and could be used to prevent Catiline's execution (1.28). And answers 'never in this city have those who have rebelled against the state kept the rights of citizens' (1.28). Catiline had thus put himself beyond the protection of the Law, and had thus ceased to be a citizen, but Cicero also required that he, Cicero, was put above the Law, and protected from the Law. The claim that Cicero was making himself a monarch and was threatening the fundamental rights of Roman citizens is at least plausible.

Sallust's account of the Catilinarian conspiracy concentrates on the debate in the senate over how to treat the prisoners; he leaves Cicero

in the background concentrating on the debate between Cato and Caesar. Cato, typically seen as the austere stern moralist, and the new *Pontifex Maximus*, Caesar, are representative figures, almost symbols, in the story of the Fall of the Republic. Law is vital to the argument and the stereotypical roles are reversed. Posterity has seen Caesar as an unscrupulous dictator ready to flout the Law for his own advancement; Cato has been seen as the supreme moralist, dying in his attempt to save the Republic from tyranny. But here, both Cicero and Cato advocated the abrogation of Law. Cato explains that they must not wait to punish the conspirators, as once a city has been taken, nothing is left to save (BC 52.4).

For Cato, if they delay then the Law will not be able to help them after the event, and thus the Law itself is threatened along with the dissolution of Rome. His recommendation is that those who confessed should be treated as if they were caught red-handed (52.36).

Cato advocated treating those who confessed as if they were actively engaged in the overthrow of the state on the field of battle. This was clearly illegal, although he uses the *mos maiorum*, to give strength to his argument. Sallust, in making Cato spokesman for such a view, forces us to face the legal and constitutional issues.¹⁸ The most moral Republican is seen as advocating illegality to save the Republic. Quite obviously, such a view has the potential to set a (self-appointed) moral few over and above the Law, laying the ground for the very tyranny that the Law was designed to prevent: overthrowing the Republic in the name of that Republic.

This introduces an ambivalence into the text. In Sallust, Catiline and his men claim to be fighting to emancipate themselves (20.7) from a few all-powerful men, a group which must include Cicero and Cato (58.2). Catiline is made an enemy of Rome since he is lawless (*contra ius*; 15.1). But so were Cicero and his supporters; the Catilinarian conspirators claimed that they wanted to restore the bulwark of the Law and were killed in an action that was beyond Law (33.5). Even Cicero and Cato must flout the Law to save the Republic. They are no better, therefore, than the rest. This is a dark yet brutally honest portrayal of a situation in which the Law is lost. The depiction of Caesar as following Law in the debate with Cato in the senate is thus interesting. Even more telling is that he has Cato allude to Caesar's involvement in the Catilinarian conspiracy (52.16); hence all the major players are seen to be corrupt. Cato laments the fall of the Republic:

When each of you scheme for his own private interests, when you are slaves to pleasure in your homes and to money or influence here, the natural result is an attack upon the defenceless *res publica*.

For Cicero, the likes of Marius and Sulla did not want there to be no Republic, but a Republic in which they were the leading men (*Cat.* 3.25). Catiline, by contrast, wanted to destroy the entire city and population. Cicero pleads for protection from the Law in speeches 2 and 3. He tells the people:

It is, therefore, for you, citizens, since the others rightly profit from what they have done, to see that I do not ever suffer as a result of what I have done. (*Cat.* 3.27)

In Speech 4 he asks the same of the senate. He presents the case for executing the Catilinarians as resting on an imminent threat to the state and on their forfeiture of citizen rights by behaving in such a lawless way. To defeat Caesar's argument for imprisonment, he argues that death is more merciful than Caesar's recommendation (4.7). He makes the humane argument for breaking the Law. By resorting to such sophistry he is clear about the moral and political difficulties and despises Crassus for avoiding a vote on the issue (4.10).

In the debate over the action of the senate we can see three possible competing ideological interpretations; the Republic is above the Law; the defence of the Republic is a Law above all others; the Republic is the Law. This set of differing interpretations continue throughout our period and is reflected in the *lex de imperio vespasiani*, which allowed the emperor any action he wished in order to safeguard the (his) state, and, of course, culminates in Pliny's discussion of the Law and the Principate in the *Panegyricus*.¹⁹

Cicero referred to the Gracchi in his discussion over how to deal with Catiline. The Gracchi were not clearly conspirators against the Republic in the same mould as a Catiline and thus although there was not an exact analogy, the Gracchi were a particularly good example for Cicero. They simply built up a power base through constitutional and perhaps extra-constitutional means that could be seen to pose a threat to the Republic. It is thought that the *senatus consultum ultimum* had its origins in this episode.²⁰ In 120 BC, L. Opimius was absolved of guilt under the Law for his actions against the Gracchans in the previous year. The fact that this was necessary highlights a problem over the legal basis on which the senate acted. Presumably it could have been argued that the extension of their magisterial offices by the brothers put them beyond the Law and threatened the Republic. But the Gracchi were much more popular figures, duly elected, and the tribunate was the people's office. The senate's attack on them was an abrogation of the Law but was the decree itself actually legal in such

circumstances? This mirrors the Imperial problem of having individuals who were *supra leges* (as Opimius and Cicero were temporarily).²¹ Could the emperor be construed as Republican if he acted as a guarantor of the Law, but was himself above the Law?

It is easy to find examples of individuals who broke the laws during the Republic in order to hold more power or for the protection of the state in the face of a military threat. In 105–101 BC Marius was elected and re-elected in the *Comitia Centuriata* to five consecutive consulships even though the *lex villia* of 180 BC forbade such practices. After Marius won the war against Jugurtha, Sallust ironically writes that ‘at that time the hopes and welfare of our country were in his hands’ (114.4). Sallust’s readership knew what happened next; illegal commands; civil war; Sulla’s proscriptions and a dictatorship. Henceforth, the Law was potentially in the hands of an individual. The debate resonates with the career of Caesar. Caesar’s attempt to avoid a period when he could be prosecuted was against the spirit of the Republic: when he crossed the Rubicon he committed treason. Livy criticizes such actions by analogy: Camillus’ contempt for the Licinian Law in running for consul when dictator parallels Caesar’s moves to hold onto his powers (7.25); the tribunes promising to make Fabius exempt from certain laws mirrors Caesar’s use of the tribunate (10.13).²² After the civil war, Caesar made use of the dictatorship to cement his power and implement a series of reforms. Caesar held an 11-day dictatorship in 49 in order to supervise the elections; he was consul in 48 BC. In 47 BC, he was *dictator in absentia*; in 46 BC dictator, then consul; in 45 BC dictator and consul; in 44 BC he was appointed dictator for life and then assassinated.²³

The assassins of Caesar reacted against a post which flouted the *mos maiorum* and the Law of the Republic. They fled Italy affirming their loyalty to the Republic, and their reluctance to be the cause of a civil war.²⁴ Yet, they had killed a lawfully constituted magistrate. Brutus may have written that he would fight anyone who set themselves above the Law, but unfortunately for him at that time this included Brutus himself (*Ad. M. Brutum* 1.17).²⁵

Under Caesar, in 46 BC, Cicero complained that Caesar’s *res publica* did not require his counsel, insight, or authority (*Brutus* 7). In Cicero’s *Pro Ligario* the orator asks Caesar to pardon one of his friends; he does not structure a legal case at all, but instead asks for Caesar’s *clementia*.²⁶ Mercy was a virtue highlighted by Caesar and Cicero pandered to it. Laws were not being followed. The result was a crisis of authority, and Cicero laments those who had secured a position of power through chance or against the will of his fellow citizens (*Brutus* 281). The Republic continued under Caesar (as *Brutus* 7 suggests) but was now a different state: Cicero was silenced by the concentration of

too much power in the hands of one man, power that surpassed that of the Law, and this gave rise to a moral and legal crisis at the heart of Roman political life (*Brutus* 328).

Cicero's pessimism is echoed five years later in the introduction to the *Jugurtha*:

But among these pursuits, in my opinion, magistracies and military commands, in short all offices of the *res publica*, are least desirable in these times, since honour is not bestowed upon merit, while those who have gained it are neither safe nor the more honourable because of it. (3.1)

Honour had fallen with Law. Rome had degenerated into lawlessness (BC 6.7).

Writers on the Republic highlight the difficulties surrounding the issue of Law within the Republic (or indeed, of the Republic within the Law). The issue was tendentious and made more so by the complicated 'constitutional' system. In Livy, the Republic is the Law. The tradition has it that for the likes of Cato and Cicero, the Republic was above the Law and the moral minority, who were positioned to make such judgements, were quite within their rights to intervene beyond any legal authority that they may have had, in order to save the Republic. Caesar could justify the manifest illegalities of his acts by claiming that reforms were necessary to restore the traditional order, and that the regime he supplanted had acted in defiance of the Law and beyond the Law.²⁷ In the Catilinarian conspiracy the Law was presented as working against the very institutions it was there to protect. The senate itself suspended the Law repeatedly to achieve its political ends. But in abrogating the Law, the senate put itself above the Law and acted against the people in a manner which replicated the behaviour of tyrants. Senators staged a coup in which they identified their own prerogatives as equivalent to those of the Republic. This critical argument paved the way for the problems of the Principate and debates over the legitimacy of the emperor. A precedent was set that allowed Augustus to claim to be restoring the laws and that his extraordinary position was needed for the protection of the Republic.

The Augustan Settlement

Augustus portrayed his settlement of AD 28/7 as a return to legality and thereby justified his regime.²⁸ This regime is consistently described in Augustan material as a *res publica* – though later writers

(notably Tacitus and Dio) demurred.²⁹ Augustus' insistence on the legality of his rule shows the continuing importance of the Law and its legitimating function.

On Caesar's death Octavian gathered what he could of Caesar's soldiers and veterans despite having no authority. Using Caesar's name he rapidly became popular. The senate, under Cicero's leadership, declared the 19-year-old *pro-praetor*, retrospectively legitimating his command. The senate proclaimed a state of emergency in February 43 BC (*Philippics* 8.25–7) justifying its acts against Antony, but after Mutina and the death of both consuls, Octavian marched on Rome. Once consul he passed a law that legalized his adoption by Caesar, a *lex curiata*, and he declared the assassins of Caesar outlaws via the popular assembly (Suet. *Jul.* 43). His power was further enhanced by a law passed through the *comitia tributa* in which he, Antony, and Lepidus were granted emergency powers as *triumviri res publicae constituendae consulari potestae*. At each stage Octavian sought and received some legal support for his powers. Furthermore, the usual duties of the magistrates continued.³⁰ They may have ruled by force or the threat of it, but there was a desire to establish a legal framework even for the manifest suspension of the Law that took place with the proscriptions.³¹ Despite the triumviral flexibility towards the Law, the triumvirs maintained a legal framework. In 37 BC the Triumvirate was renewed, despite having expired on 31 December 38 BC.³²

In such circumstances, there is a breach between Law and the protection of citizens so that the Law itself becomes oppressive and can be seen either as perverted or distanced from its true role as the essential element of the Republic. Livy castigates Sextius and Licinius who used money and land, taken by force, to bribe their followers and soldiers and subvert the Republic (6.41.10). Sallust also made allusions to the triumvirs. In his *Bellum Catilinae*, Caesar asks the senate to imagine what would follow 'when the consul, with this precedent before him, shall draw the sword in obedience to the senate's decree, who shall limit or restrain him' (51.36).

After Actium in 31 BC, Octavian returned to a triple triumph in Italy and the founding of a temple to *Divus Iulius*. The next two years saw the constitutional settlement of his government. In his *Res Gestae*³³ Augustus comments on his settlement of 28/7 BC as follows:

In my sixth and seventh consulships, after I had extinguished civil wars, and at a time when with universal consent I was in complete control of affairs, I transferred the *res publica* from my own power to the dominion of the senate and the people of Rome (34.1).³⁴

The academic discussion over Augustus' powers is extensive, and

need not concern us here.³⁵ Augustus claimed to restore the *res publica* though quite what that meant is a point of considerable debate. This restoration was, as I shall argue, a reinstatement of the workings of public government, and, indeed, of Law.³⁶

In 28 BC, Augustus shared his sixth consulship, and the *fascēs*, with Agrippa. They annulled all the acts of the *triumvirs* that had not already been legalized and Augustus placed the *aeraria* back into the hands of the state under two *praefecti*, replaced by praetors in 23 BC. With Agrippa, he revised the senate and equestrian orders and held a census.³⁷ Then, at the beginning of 27 BC, Augustus offered to lay down all his extra-constitutional powers and provinces, swearing the traditional consular oath as in the Republic of old. A few days later, he accepted *imperium* over a significant number of the provinces, and most of the legions with them, for a period of ten years. He continued to be consul and was voted a golden shield in the senate house proclaiming his valour, clemency, justice and piety (*RG* 34.2); his doorstep was decorated as he had saved the lives of citizens;³⁸ he received the name Augustus and free elections were proclaimed for that year. His huge network of patronage would ensure his election to any post he required and he now had power over the most part of the army.³⁹ As he puts it,

After this time [27 BC] I excelled all in influence, although I possessed no more official power than others who were my colleagues in the several magistracies. (*Res Gestae* 34.3)

Four years later, in 23 BC, Augustus ended his practice of holding successive consulships and instead accepted tribunician power, without holding the office itself. He also acquired the right of submitting matters to the senate for their discussion and his *imperium* was made *imperium maius* to ensure his authority over the consuls in any province. In 19 BC, he was allowed to sit between the two consuls in the senate house and have 12 *lictors*, despite not holding the consulship. Augustus had disassociated powers from the office of the magistracies, setting himself up as a kind of *rector*.

Augustus' settlement implicitly criticized the triumviral excesses by annulling its acts.⁴⁰ Augustus, not the Triumvirate, had achieved the purpose of restoration of the Republic.⁴¹ That restoration was a return to a restored Law. On coins, Augustus claimed to have restored the laws to the people.⁴² His system ensured peace and guaranteed property rights and rights of the citizen.⁴³ Annual elections returned and with them political competition. The magistracies were returned to their legal framework and Augustus was to famously claim that even the position of *princeps* was collegial, his pre-eminence resting of authority or prestige and not *imperium*.⁴⁴ Augustus accepted powers

that were steeped in the Republican tradition and advertised the fact that his powers were given to him by the people, i.e. by the process of the Law. For example, writing of 43 BC in the *Res Gestae* (1.4):

In the same year when both consuls had fallen in battle, the people appointed me consul and triumvir for the organization of the *res publica*.

Again, in *Res Gestae* 10, he points out that he received the tribunician power by Law. He also draws attention to his laws directed to a restoration of the customs and traditions of Rome:

By new laws passed on my proposal I brought back into use many exemplary practices of our ancestors which were disappearing in our time. (*RG* 8.5)

Alongside the restoration of Law was a restoration of morality.⁴⁵

Augustus bequeathed an image of the Imperial role as that of judge and legal reformer; a position embedded in Law and on which the Law (and morality), and thus Rome itself, depended.⁴⁶ Those who broke the Law could expect harsh treatment. In 19 BC, when Egnatius Rufus tried to claim the consulship, despite not having held the prerequisite offices, he was struck down. Both Suetonius and Tacitus attribute this to the orders of Augustus (Suet. *Aug.* 19: Tac. *Ann.* 1.10.4).⁴⁷ The political system of old was in place, and men were free to compete, but if they broke the Law in doing so, they could be disposed of. The legitimacy of the new regime was based on the Law; Law was broken at one's peril.

The change of government was received in various ways. Livy was alive to the implications of the rise of Augustus and his settlement. His work presents the history of Rome as one of decline, and he claims in his Preface that he tells the tales of good men in order to set examples for his contemporaries to follow. Livy speaks out against monarchy; the fight against the exiled king Tarquin is seen as a fight between Law and monarchy, suggesting that the two are opposed.⁴⁸ However, his view is not simple; in the early days of the kings, there are good and bad monarchs. Servius Tullius is praised by Livy because he was accepted by the senate and then had his position ratified by the people when he thought he may be unpopular (1.46). Such deference to the senate and people of Rome shows an adherence to Law. Moreover, he was a law-giver (1.48.8).⁴⁹ His humble beginnings were irrelevant; his lawful behaviour made him a good king. By contrast, Tarquinius Superbus is depicted as illegal, despite his blue blood, because he was not ruling by popular decree or senatorial sanction (1.49.3). For Livy, even a monarchy was not to be hereditary and even a king needed his

position ratified by Law or a decree of the senate.⁵⁰

In retelling the deeds of the *decemviri* Livy shows them to be corrupt and illegal. The *decemviri* 'abolished free elections, annual magistracies, which, by ensuring the regular transference of power, are the sole guarantee of liberty for all' (3.39.8).⁵¹ Augustus' settlement claimed to restore exactly those elements of the constitutional system listed by Livy as markers of the free Republic; free elections, annual magistracies, and, by virtue of his tribunician power from AD 23, the protection of the plebs.

In Livy's Preface he speaks of his present day 'when we can endure neither our vices nor their cure' (Preface 9). This has been seen as reference to the Augustan settlement and, more particularly, Augustus' moral legislation.⁵² Moreover, the structure of his work seems to imply recognition of that change in government. Three hundred and sixty-five years after Romulus founded the city, Livy has Camillus re-founding Rome; 365 years later is the Augustan settlement. Augustan self-presentation made much of Augustus as the re-founder of the city; he even lived on the Palatine near the original hut of Romulus.⁵³ Livy praises Camillus; he has Camillus consulting the senate and respecting the Law; so much so that he is even reluctant to leave exile until he hears that his recall has been ratified by the senate (5.20, 46). He depicts Camillus sanctioning a return to godliness, moral behaviour and Law, which are all traits that Augustus emphasized (5.50).⁵⁴ The comparison with Camillus (and Romulus) may critique Augustus as much as praise him. Livy is careful to show the flaws of both Romulus and Camillus. He points to the fratricide of Romulus (1.87), relates the rumour that Romulus was torn apart by senators (1.16) – the fate of a tyrant – and raises doubts over Romulus' divinity (1.16). Moreover, he vehemently criticizes Camillus' ostentatious triumph, seeing it as arrogant and impious; the white dazzling horses even make him look like a god (5.23). In 29 BC, Augustus had just celebrated a triple triumph, and the burgeoning of cultic activities around Octavian was a notable feature of the triumviral period, though perhaps Augustus showed rather more reluctance to accept divine imagery from 29–27 BC.⁵⁵

Velleius Paterculus,⁵⁶ writing under Tiberius to commemorate the consulship of AD 30 of his friend Vinicius, writes that after Actium:

validity was restored to the laws, authority to the courts, and dignity to the senate; the power of the magistrates was reduced to its former limits, with the sole exception that two were added to the eight existing praetors. The old traditional form of the *res publica* was restored. (2.89.3)

He claims that agriculture, religion and property rights flourished and

that old laws were emended and new ones passed for the greater good (2.89.4).⁵⁷ Velleius highlights the return of Law as an integral part of the restoration, as indeed Augustus himself presented his regime. The historian Tacitus, however, was under no illusions as to what had happened to Roman government under these new laws:

Neither Cinna nor Sulla created a lasting despotism: Pompey and Crassus quickly forfeited their power to Caesar, and Lepidus and Antony their swords to Augustus, who, under the style of *princeps*, gathered beneath his empire a world outworn by civil strife. (*Ann.*1.1)

And again,

after laying down his triumviral title and proclaiming himself a simple consul content with tribunician authority to safeguard the commons, he first conciliated the army by gratuities, the populace by cheapened corn, the world by the amenities of peace, then step by step to make his ascent and to unite in his own person the functions of the senate, the magistracy, and the legislature (*Ann.* 1.2).

In Tacitus, Augustus created the Empire. Tacitus represents the legal system itself as being in trouble before the Augustan settlement; it had been destabilised by force, favouritism, or gold (*Ann.*1.2). He gives opinions, fictitious but supposedly credible, from those who supported and those who disliked Augustus and his government; some said that filial duty and the needs of a country, which at the time had no room for Law, had forced Augustus into civil war (1.9). Augustus was a product of the times; to compete in a society where Law was failing, one had to break the laws; from his march on Rome to his proscriptions and land distribution, he acted illegally, but these illegal acts were in the context of the failure of the Law and so were at a time when Law had no force. In such circumstances, it is not obvious that the Law should guide political actions. Tacitus thus moves away from an emphasis on Law, suggesting a rather more complicated relationship between the proper or moral political act and the Law than we see in Livy.

Tacitus' *Annales* has a short digression on Law where he writes that after the Twelve Tables:

succeeding laws, though occasionally suggested by a crime and aimed at the criminal, were more often carried by brute force in consequence of class dissension – to open the way to an unconceded office, to banish a patrician, or to consummate some other

pervverted end.⁵⁸ (3.27)

He continues:

Not even the Italian War, soon replaced by the civil war, could interrupt the flow of self-contradictory legislation. (3.27)

The laws were out of control. Furthermore, 'when the *res publica* was most corrupt, laws were most abundant' (3.27) until Pompey when, after breaking his own enactments, started 20 years of discord during which Law and custom ceased to exist (3.28). This anarchy ended when,

In his sixth consulate, Augustus Caesar, feeling his power secure, cancelled the behests of his Triumvirate, and presented us with laws to serve our needs in peace and under a *princeps*. (3.28)

Augustus forced laws upon Rome. But they were laws for a monarchy and not a Republic. For example, Tacitus attacks Augustus for enforcing excessive penalties for adultery (*Ann.* 3.24.2).⁵⁹ This subverts Augustus' claim to be a restorer of Law and hence of the Republic since the laws as now enforced were tyrannical.

The laws were on the side of the Imperial family. Tacitus stresses that 'Servius Tullius became an ordainer of laws, to which kings themselves were to owe obedience' (3.26). The suggestion that kings, and so emperors, may no longer be obeying laws is obvious, and relevant considering Tacitus' life under Domitian. Law was no longer the guarantor of freedom. In Livy, Law embodied the state (2.1.1). But for Tacitus, Augustan Law was forced upon the subjects of the emperor; these two views are radically different.⁶⁰

Dio saw the settlement of 28–27 BC as the start of a monarchy: having given a speech in the senate on the settlement, Augustus doubled the pay of his praetorian bodyguard; 'when this was done, he was eager to establish the monarchy in very truth' (53.11.5). For Dio, this was not necessarily a bad thing since 'combining the old freedom with the monarchy, he [Augustus] established at one and the same time freedom of the cities, security, and order' (56.43.4).⁶¹ He certainly restored property rights and the safety of citizens by restoring Law and order. Nicolet points out that in *De Officiis* (2.73) Cicero makes security of ownership the safeguard of the natural Law of property and the principal reason for the creation of political ties.⁶² This is also emphasized in Velleius Paterculus. Rome was safe again.

The settlement saw a restoration of the forms of Law; Augustus' power may have been equal to that of Caesar, but his deference to the customs and forms of the 'constitution' of old placed his power in a

Republican context. Tacitus and Dio can write of a change to monarchy, but for contemporaries, the return of Law was at least a plausible claim. In the funeral speech for Agrippa, Augustus claimed that Law sanctioned Agrippa's powers.⁶³ Augustus embedded his rule in Law. However, that Law would seem to depend on the *princeps*, whose very position would seem to challenge or even contradict Republican magisterial Law. This becomes very obvious when considering the issue of succession. The question became so important, and the fear of civil war should it stay undecided so great, that Velleius Paterculus could write about the adoption of Tiberius as follows:

On that day there sprang up once more in parents the assurance of safety for their children, in husbands for the sanctity of marriage, in owners of their property, and in all men the assurance of safety, order, peace and tranquillity. (2.103.5)

He clearly overstates, but his representation of Tiberius' position as a guarantor of Law, morality, and security echoes directly what appears to have been Augustan self-representation. Law was only possible with the *princeps*.

Augustus' settlement was based on the legal framework of the Republic and cloaked in Republican terminology. Property rights were restored; new legislation was brought in to ensure Law would be maintained; there was even legislation to restore morality.⁶⁴ This profound legalism was an attempt to legitimize Augustan rule and highlight its foundation in Law. This can only have been done because Law had been the cornerstone of the Republic. The Augustan settlement helped set up the ideological debate concerning the position of the *princeps* in relation to the Law.

From a Republic where all obeyed the laws, to its crisis where the moral minority took it upon themselves to save the Republic by disobeying the laws, and into the Augustan settlement where laws were enforced, the importance of Law to the Romans can be seen quite clearly. Law had been an integral part of the political debate at the end of the Republic, and would continue into the early Principate, and was consequently central to the ideologies of Republicanism as it animated the political debate during the first century of Imperial rule. Clearly texts before the first century AD differ to those written after the century in their attitudes towards the role of Law in the state. That is to be expected; the state had changed. It is in the texts of the first century itself that we see the ideological debate concerning the role of Law in the state and the relationship of the emperor to the Law. I will argue that within these texts, within the discourse of the first century, there is a debate over good government in general that mirrors the

historical narratives of opposition to the emperors, through a discussion of Law.

The Imperial Period

In the *Dialogus*, Tacitus has Maternus explain that where Law and order were established oratory was not required, for example in Sparta, Crete, Macedonia and Persia (40.3).⁶⁵ Oratory is not necessary where rules are obeyed (41.3). The examples he gives of lawful societies were all despotisms.⁶⁶ Law and order existed in tyrannical societies, where political order was imposed from above, but in lawless societies, disordered societies, Law was not predominant but rhetoric, the ability to move the crowd, was, as Maternus explains (40.4).

It follows that in a Republic where there would be debate in the senate, when all were not in harmony, and legal cases were fought with a passion, there could be no Law. Maternus' sarcastic talk of Law is not Law in the Republican sense; it is a tyranny where one man is constitutionally above the Law to the extent that that person has become the Law.⁶⁷ When Aper speaks up for a life at the bar, he has to admit that the courts of the day decide issues not according to the letter of the Law, but by virtue of its own inherent authority (19.5); that is, the Law as written was redundant. Moreover, his two heroes, Eprius Marcellus and Vibius Crispus are two of the most hated informers.⁶⁸ The legal system itself is therefore corrupt. He explains that without pithy, interesting speeches, the bored judges will not listen; the court was therefore a sham (20). Even the conservative Messalla attacks modern orators because they have no real legal knowledge and show contempt for the laws of the state (32.3). From both points of view, the Law has lost authority: either the emperor is above the Law so that the process of debate and argument is redundant, similar to the situation in Persia, or the courts exercise authority in ignorance of the Law. Overriding all this is Imperial power which has dethroned Law. For cases that did not interest him, matters could be decided by the courts, but even here they may not be concerned with the detail of Law. Anything important, however, could attract Imperial involvement.

Maternus' own occupation, that of writing a play about a Republican hero or another about a tyrant, shows his discontent with the present system.⁶⁹ His speech is full of sarcastic praise for the Principate of Vespasian.⁷⁰ Under Vespasian, he claims that it is not the ignorant multitude that decides a political issue but a monarch who is the incarnation of wisdom (41.4).⁷¹ He uses the writing of plays filled

with invective to demonstrate his view. And in AD 90 he was probably killed for these outspoken views.⁷²

We know Tacitus' Maternus is in trouble as he has offended the emperor and his entourage; we know he wrote plays on typical anti-tyrannical topics and the Republican hero Cato; we know he was warned by his friends to tone down his work.⁷³ Maternus clearly despises the system. In the *Dialogus*, Tacitus shows a discontent with the regime in AD 75 that was just as relevant to his time of writing.⁷⁴ The *Dialogus* shows dissatisfaction with both the Imperial settlement and its legal framework and suggests that issues such as the 'rule of Law' were debated in the salons of Rome. Arguments and debates about the position of Law in society were clearly connected to the political system and the Republic, and the persecution and death of Maternus shows that these debates had considerable political resonance. The discourse on Law furthers a debate on the emperor's role, his relationship to the Law, and indeed the proper system of government. The text is therefore a monument, signposting the ideological debate of the first century AD.⁷⁵

From the first, Tiberius showed deference to the senate and the Law in his display of reticence at becoming *princeps*. Yet, even if Tiberius might have wished to present his position as being under the Law, because of the power of the emperor, it was evident that the fundamental principle of equality under the Law was redundant. The emperor could hardly be answerable under the Law, and it was questionable as to whether the emperor could be considered bound by the Law. This was a structural problem inherent in the Principate and Tiberius' show of deference to the Law and his concern with Republican procedure brings this issue to the fore. Moreover, this inequality before the Law extended beyond the person of the emperor himself to those of his family and associates. When Lucius Piso tried to prosecute Urgulania his prosecution was doomed to failure: as a close friend of the Augusta she was beyond the Law. Such was the safety of the *amicus Caesaris*; the loss of Caesar's friendship, however, meant loss of social status, political ruin or perhaps even worse.⁷⁶ The prosecution could possibly have been construed as an attack on an associate of the Imperial house, and thus an attack on that house itself; under Tiberius family friends enjoyed immunity from prosecution.⁷⁷ This was obviously a practical political issue, but it also raised issues of principle that went to the heart of the regime and demonstrated the inherent tension between Imperial authority and the Law.

This tension is similarly dramatized in the anecdote concerning Tiberius' sons with which the chapter began and, ironically enough, in the protection extended to Plancina, the wife of Piso. Even after the

death of the illustrious Germanicus, Plancina could not be prosecuted because she was protected by Livia and Tacitus ironically remarks that Germanicus was denied the 'redress which the laws guaranteed to all citizens' (*Ann.* 3.17).

Tiberius was a frequent attendee of the Law courts, senatorial and other, in part to prevent corruption, but his presence hindered the court since nobody wanted to offend the *princeps*. As Tacitus writes 'equity gained; liberty suffered' (1.75). As in the Late Republic, the Law could be circumnavigated, but here only by the emperor himself; when an old decree stopped slaves being examined concerning a charge against their master, Tiberius simply had the slaves bought by the treasury to ensure the conviction without overriding a senatorial decree (2.30). In this instance, the demands of justice overrode the letter of the Law, rendering the Law itself of marginal importance.

When Gallus proposed that magistracies should last five years rather than one, Tiberius claimed that it 'subverted the laws which had fixed the proper periods for exercising the industry of candidates and for soliciting or enjoying preferment' (2.36). Tiberius upheld the Republic by denying magistrates the very extension of power which the emperors themselves enjoyed.

In the *Annales*, the treason law takes pride of place.⁷⁸ Tacitus quotes Tiberius as saying the Law ought to take its course in discussion of the *lex maiestatis* (1.72). Tiberius used the convenient opinion that laws must be supreme so that citizens could attack any act that diminished the 'majesty of the Roman nation' (1.72). Yet, the charges would become based on trivial foundations, and undermine the liberty of the Roman citizen. At the outset of his reign Tiberius may have tried to differentiate between remarks about Augustus or himself, but the fact that such a remark could ensure a senator's death was a long way from the cut and thrust of senatorial debate in the Republic of old (*Tac. Ann.* 2.50).⁷⁹ Inconsistencies were everywhere; Tiberius even found a man, Decimus Silanus, who had been exiled under Augustus as the lover of Augustus' granddaughter 'neither by resolution of the senate nor by form of law' (3.24); how had he ended up in exile one wonders? Tiberius' response was characteristic; he welcomed the man's repatriation but did not remove the smear from his name. One sees that Augustus' sentiments were enough: no legal process was necessary.

When Tiberius tightened the *lex papia poppaea* to penalize celibacy, Tacitus comments that 'where the country once suffered from its vices, it was now in peril from its laws' (3.25). These contrasting views reflect an ideological division between those who saw the emperors as *supra leges* and perverting the Law into an instrument of Imperial power (as represented by Tacitus) and those who wished to present

them as bound by the Law (Tiberius, seemingly, and also Pliny) and thus as defenders of the legal tradition of the Republic (Livy).⁸⁰ An emperor bound by Law is much more akin to the consuls of the Republic; they would have power to rule but could also be restrained by the Law when necessary and thus held a more Republican stance. An emperor who was above the Law could clearly act the tyrant whenever he wished.

An important step in the constitutional position of the *princeps* can be seen at the accession of Caligula. Caligula had no experience of political life; he was not a senator; he had no *auctoritas* other than as son of Germanicus; he had held no commands in the field, extended or annual; in short, he was born into the Principate and not having lived under the Republic proper, was a true product of that Principate. And so, to give him a power based on something tangible, the senate and people immediately and unanimously conferred absolute power upon him.⁸¹ As Dio recounts 'he took in one day all the honours which Augustus had with difficulty been induced to accept, and then only as they were voted to him one at a time during the long extent of his reign, some of which indeed Tiberius had refused to accept at all' (59.3.2). Here we have the conceptual beginnings of the *lex de imperio vespasiani*, which gave total power to the *princeps* and moreover allowed him to act *supra leges* if he thought it necessary for the good of the state.⁸² There was now a piece of legislation to allow the emperor to do exactly as he wished, taking the place of the *senatus consultum ultimum*. The *lex de imperio vespasiani* (and presumably similar *leges* earlier and later) was legislation that established that emperors were legally above the Law. Whereas Cicero had feared the legal implications of executing the Catilinarian conspirators, the emperor would have no such qualms. The emperor was 'constitutionally' above the Law but it is notable that the legalism of the period required that the exception from the Law was created by the operation of Law.

This interplay of ideas about the role of Law and the position of the *princeps* formed part of Seneca's political analyses. Seneca's *De Clementia* accepts that the Principate was a monarchy, the clear state of affairs under Nero, and claims that such a state was natural (1.19.2).⁸³ Seneca shows an acute political realism when he explains that 'at an earlier day in fact Caesar so clothed himself with the powers of state that neither could be withdrawn without the destruction of both' (1.4.3). The implication of this is that the state, and thus the Law as well, had come to depend on Julius Caesar and his successors and any revolutionary activity would mean not just a change of government but the overthrow of that state. Caesar is thus in some sense the *res publica*. Seneca's ideal king then cannot depend

on Law, which is part of the *res publica*, but must rely on something innate; the character of the ruler is of the utmost importance; and hence the emphasis on *clementia*. When the monarch is the Law, his morality is paramount.⁸⁴ Seneca gives examples of *clementia* saving the ruler's life, as it supposedly did for Augustus when he dealt leniently with the conspiracy of Cinna (1.9). There is no talk of the senate or the people, just the sovereign. Seneca sets forth the proper conduct for the *rex*.⁸⁵ The very fact that Seneca uses the term *rex* for Nero is indicative of there being a different ideology at work. This is the language of monarchy. The contrast between the king and the tyrant is that between *clementia* and *crudelitas* (*De Clementia* 1.11.4–13), and is not constitutional or legal. The very nature of mercy is that it is bestowed by a superior to an inferior; it denotes dominance. In fact, mercy need not follow the Law (*De Clem.* 2.7.3).⁸⁶ This is supported by Seneca's insistence that Nero has been chosen by the gods; he can therefore choose what each man's lot and state shall be (*De Clem.* 1.1.2). And this divinely-chosen monarch is necessarily the font of Law and hence does not have to render an account to those laws (1.1.4). Although Nero might follow the Law, he is not bound to it, and any adherence to the Law is choice and an act of benevolence towards the traditions. In 1.5.4 Nero is allowed to break the Law if it saves lives. He does not have to follow the letter of the Law, as long as he does what is fair and good (2.7.3; 1.1.20). Nero is beyond the Law.

Seneca presents the *princeps* as either completely beyond the Law or as the embodiment of the Law. This is in contrast to Livy, for whom Law was the essence of the *res publica* and protected freedom by constraining all magisterial officers. Where Tacitus presents the Law of the Imperial period as oppressive, a tool of monarchy, Seneca sees it as the right of the monarch, regardless of whether he uses it for good or ill. Seneca does not go as far as Tacitus in suggesting Law is tyrannical. But he assumes that Law is always on the side of the *rex*, hence his morality becoming crucial. Law is no longer the guardian of freedom. Law has become the instrument of the Imperial regime, leaving only the personal morality of the *princeps* as a defence of freedom. From their different political positions, we see a coincidence of argument between Seneca and Tacitus. Both understood the necessity of a moral ruler for good government. But there is still a difference in their presentation of the Principate.

Pliny's *Panegyricus* can also be seen as expounding the theories of the good emperor against the bad.⁸⁷ He stresses the collegiality of the *princeps* and calls him 'one of us' (*Pan.* 63–77). More importantly, he praises Trajan for following the laws of his own accord and submitting to them himself (65.1). Trajan simply gave the usual oath at the beginning and end of his consulship as all consuls did, following the

Augustan model. This is hardly submitting himself to the Law; Trajan was legally and officially as little bound to the Law as Domitian or Nero were.⁸⁸ But by swearing the oath he committed a symbolic act, following the customs and laws that the other magistrates did. Pliny is well aware of this, stating that nobody had intended the laws to apply to the emperor, but that Trajan wanted to be equal (65.1). Pliny does not suggest that the emperor was not *supra leges*, and there is no contrast with the *lex de imperio*. Nor is there any suggestion that Pliny is reading the *lex* as granting only such powers in an emergency. It is only because Trajan volunteers deference to the legal framework that Pliny is elated:

there is a new turn of phrase which I hear and understand for the first time – not “the *princeps* is above the Law” but “the Law is above the *princeps*”; Caesar bows to the same restrictions as any other consul. (65.1)

It could be argued Trajan had merely followed some formal procedures. This is exactly what Augustus did at the end of his consulship of 28 BC. This deference to the institution of the old Republic was key to ensuring a favourable reception. Pliny continues arguing that Trajan’s oath on laying down his consulate and his appearance on the platform to take up and lay down office, had the semblance of following the Republican institutions of old that had been shunned by the pride of previous emperors (65.2). On a radical reading of the *Panegyricus*, one might suggest that Pliny was suggesting that these ceremonials should be taken seriously, that the performance of subservience to the Law should be taken as true subservience to the Law, and that the new era of honesty in politics that the *Panegyricus* was celebrating, meant that when the emperor declared the senate free and the Law sovereign, that should be taken seriously. Pliny could be seen as proposing a return to an Augustan style of ruling or suggesting something more. It is the language of Republicanism and lip service to its ideology that is found throughout the text.

To Pliny, the emperor who showed some respect for the legal framework of the ‘constitution’, who gave the senators some respect in the running of the Empire, who did not treat them with contempt, was a good emperor. There is no reference to a bad system: he claims that ‘tyranny and the Principate are diametrically opposed’ (45.4). Instead he criticizes Domitian: Trajan’s refusal of divine honours is compared to Domitian’s blatant use of divine imagery (52). The system is not bad; there are just bad emperors. He sees the Principate as being debased by a long period of corruption (53.1). His Augustanism is thus tempered with a Senecan view of the importance of the Imperial

character. Nevertheless, Pliny suggests *libertas* is possible under a *princeps* (78.3).

He talks about power as if it were shared (66.2). Pliny knows Trajan, just like Domitian, is above the Law. They had the same legal, 'constitutional' power. That is not the point. For Pliny, if the emperor obeys the Law and behaves in a certain way (the way of the Republican aristocrat) and is a man of a certain morality (following the *mos maiorum*) then the Republic could still be in existence. These traits determine whether the emperor is following the Republican traditions or not.

Pliny's insistence on Trajan's legalism is a much more senatorial or Republican approach than the *De Clementia*, which stressed the total authority of the emperor. In fact, the ideology that Pliny is putting forward could be seen as a reversion to the Augustan style of governing, where focus is on continuity with the Republic, after the unpopular (with the senate) regimes of Caligula, Nero and Domitian. By re-establishing an 'Augustan Principate' (or perhaps what he thought an Augustan Principate might have been like), Pliny can be seen as appealing to those who looked back to the days of the Republic, even if superficially. Pliny shows an on-going debate as to the legal position of the emperor by the end of the first century AD.⁸⁹ This presentation of the emperor is radically different to Seneca's Nero. The fact that Pliny feels the need to turn back to the language and ideology of the Republic could be seen as a response to the opposition of the first century AD that we have discussed. If that Republican opposition is taken seriously, as I have argued that it should be, then Pliny's *Panegyricus* can be seen as an answer to such opposition. Presumably there would have been extremists on both sides; die-hard Republicans who wished to see the power of the emperor subdued by Law, and those Imperialists who wanted, probably for selfish reasons, to see the emperor as above the Law. But debate there is. Pliny's *Panegyricus* is clearly far removed from the *De Clementia* with its emperor above the Law attitude; but there are connections, and still more so with Tacitus. These connections seem sufficient to establish the outlines of an on-going discourse in Roman society. Although the Principate had been established for more than four generations when Pliny was writing the *Panegyricus*, the debate around the position of the emperor and the Republican legacy was 'live'.

The major paradox of the Principate is that despite having absolute power, 'constitutional' or otherwise, some emperors still purported to follow the laws and institutions of the Republic. Nero, for example, when sitting in court would ask the judges to write their verdicts down so he could see them and then give his own opinion (Suet. *Nero*.

15). Nero was striving to appear lawful in court though he was accused of using this as a ruse to maintain his freedom of decision. And Nero was clearly one of the most monarchic of emperors. We may not believe the anecdote, but Suetonius' recounting of it shows it must have been plausible. Domitian was a conscientious judge and strict enforcer of the Law too (Suet. *Dom.* 8). Honore sees this as proof that tyrants did indeed fear the Law in some way.⁹⁰ Under the emperors legality mattered. This draws an interesting contrast with the speeches of the Late Republic; Crassus talked a jury into ignoring the letter of the Law over the case of a testator's will which Wiedemann sees as symbolic of the Late Republic's confusion about legal and moral values.⁹¹ Similarly, Cicero continually broke the Law; in *Pro Caecina* he ignored the Law completely; in the *Pro Rabirio* he opposed strict 'constitutionalism'; in the *Pro Murena* he mocks arcane language of Roman legal procedure.⁹² It is precisely because the failure of individuals to respect the Law was seen as having a hand in the fall of the Republic that some emperors were wary of appearing unlawful. The debate over such issues in Roman society of the first century AD tapped into the legal situation during the golden days of the Republic, however stylized, and its downfall.

Under Domitian, the senate took the bold step of making it illegal for him to execute anyone of his own rank, i.e. senators.⁹³ Nerva, Trajan and Hadrian also swore not to execute fellow senators.⁹⁴ The emperors were prepared to make such oaths; if there was any problem the *lex de imperio vespasiani* put them above the Law anyway. This highlights not only the attempts by certain emperors to appear legal, and to follow the legal framework, but also the problems inherent in the system. Under the Republic Cicero could argue in his *Philippics* that 'all things salutary for the *res publica* should be held as lawful and right' (*Phil.* 11.28), but when one man had become the state, as in the Principate, it is clear many may not have agreed. This explains Tacitus' constant attacks on the legal system itself under the emperors as simply the tool of the oppressor.

That said, as Talbert points out, the senate continued its legislative, religious, diplomatic and judicial functions in the Principate and there was a marked decline in activity only in the second century.⁹⁵ The senate was the emperor's vehicle for legislation and the extensive use of senatorial rank and office as the currency of Imperial patronage gave it a status.⁹⁶ The senate had a role in the legitimization of the emperor; both Trajan and Hadrian wrote to ask the senate to ratify their position (Dio 68.5.2; 69.2.2). Galba also refused Imperial titles until conferred by an embassy from the senate (63.29.6). This is the paradox; the *princeps* held supreme power, yet some still insisted on acting as if the senate was of legal importance. But this was precisely

the problem for the emperors and why we have the clash of ideologies that we see. Republicanism was not dead and buried, overtaken by the monarchic and an acceptance of the emperor. Winterling has shown that the new institutions and political organizations of the Principate, such as the secretariat, the equestrian administration and the *consilium principis* had to work alongside the old Republican institutions such as the senate and that a senatorial career may involve working in both (2009, 31–2). Such intertwined systems would also help fuel the debate about how best to govern and feed the ideological arguments we see in the discourse, and indeed in the events, of the first century AD. Such coexistence, yet incompatibility, of the monarchic and Republican in Imperial Rome was paradoxical and caused problems at the level of behaviour for the aristocrats, as Winterling points out (2009, 111). By the time of Trajan, Pliny could write about the senate of Claudius saying that in nothing is it lawful to oppose the emperor (*Ep.* 8.6.10) but this was contentious. Many of the *principes* of the first century continued to represent their rule as based in Law and Republican precedent. Yet, for others, notably Tacitus and Seneca, the legitimacy of Imperial rule did not rest in Law. The Roman Republic may have been regarded as founded in Law, and Livy gives the impression that it is Law that makes the Roman state and citizen, but with the monarchy the dynamic was complex and disputed. The emperor could be seen as existing beyond Law, even as the emperors sought legal legitimacy for their political position. There was thus genuine scope for ideological disagreement between those who offered a more conservative and Republican vision of a *princeps* governed by Law (Pliny), and those who saw Law as the tool of the Imperial regime (Seneca).

Conclusion

Seneca's *De Clementia* and Pliny's *Panegyricus* both extol the virtues of the *princeps*, but the contexts are radically different. Seneca was writing Nero's inaugural speech and Pliny a panegyric to the emperor for a consulship. Both events were high profile. There is some similarity between the works; the political realism and understanding and acceptance that monarchy rules is clear. However, they have different approaches to how that man should behave and his relationship to the Law. It seems that there is an element of the didactic in both pieces; when the emperor can rule above any Law, his morality is key. Seneca extols mercy, but the obvious problem is what if the emperor is not merciful. Pliny even claims to be trying to encourage the emperor by praising his good behaviour, and his

frequent citing of 'bad' emperors shows the vulnerabilities of the system.⁹⁷ The Law will no longer protect the senate from powerful individuals.

Although the *De Clementia* and *Panegyricus* agree that the emperor was in essence above the Law, there was still clear debate. The brazen attempt to lift Nero above and beyond the Law would not have been accepted by all;⁹⁸ Pliny presents a rather different relationship of emperor to the Law, in which the emperor was voluntarily bound by the Law, and that binding was seen as a primary example of his virtue and hence his worthiness for rule, even if Law had become the prerogative of one man. Hence Tacitus' contrast between the Imperial and Republican periods, since in the latter 'laws had force' (*Ann.* 2.51). In Tacitus, the Law of the Imperial period is a sham and whether the government is legal or not is irrelevant. Hence, the mockery of any claims to obey the Law by the emperors and the disdain at the Augustan settlement where Augustus united the functions of the senate, the magistracies and the legislature under himself (*Ann.* 2.2). Even when a *princeps* tried to follow the Law by, for example, stopping corruption, as Tiberius did, liberty was undermined (*Ann.* 1.75). Under the Principate, when one man controls by his arbitrary will, his government cannot be in keeping with the Republican traditions of Law, and even if the monarchy was created by the operation of Law and *leges*, Imperial Law was not to safeguard the citizen and his liberty, but an instrument of the Imperial will.

Livy was writing about the Republic of old and presents the Law as a check on just such individuals – not the tools of the tyrants themselves. Law guarantees freedom; Law checks the powers of the unscrupulous individual; Law protects the property rights of the good. But in the Republic laws were passed by votes of the people. There was debate in the senate and canvassing in the forum. Under the Principate, ratification of a bill by the people or senate was a formality. Livy's *History of Rome* is full of the great debates in the senate house, where individual laws were discussed and passed. This was a thing of the past for Tacitus and his contemporaries. The Republic was thus dead. Yet, for Pliny, the subservience of the *princeps* to the Law remained a viable system of governance. In this way, Pliny follows Livy's view, and echoes the portrayals of Augustus and Tiberius.

The key difference in the two political systems which we refer to as Republic and Principate lies in Livy's insistence on Law as the cornerstone of the Roman state, and Tacitus' derision of Law as tyrannical and oppressive. These two historians' views are essential to understanding the Roman outlook on the purpose of Law. The fundamental difference between Republican Law, as a check on

excessive power, and Imperial Law, as an instrument of the oppressor, would ensure a constant ideological debate about the legality and legalism of the Imperial position. And it is quite clear that Republican ideas were in circulation and debated throughout the first century AD. Seneca and Pliny present their emperors in widely different ideological terms. They could also cause political trauma. An emperor's relationship to the Law would instantly mark him out as either following the Republican tradition of the individual abiding by the Law, or the more autocratic and Imperial notion that the emperor was above the Law. Takács has shown that the emperor could be seen as the father who generated a symbolic order of laws or a discourse of the master (2009, xix). The emperor's choice of how to interact with this symbolic order of Law helped create the ideology of his regime, however subconscious. And, as discussed, such an ideology may well create an oppositional ideology, which fed off the Imperial. We have seen that this debate continued a Republican discourse in which the senate was potentially empowered to act against the Law in protection of the Republic (and Law). The debate in the Imperial period continues the Catilinarian conundrum through another century and a half. The emperor's relationship with the Law set the tone for his regime. But similarly, dissidents might suggest that the emperor should be bound by Law, and use the unfettered power of the executive as a focus for their critiques. Law could be used as a fault-line in Imperial politics, a symbol around which complex debates about the Republican heritage and the status of Roman citizens could be discussed and fought over. As the *Dialogus* suggests, those debates were far from dry historical studies, but were of such force that men were prepared to die and to be seen to kill over them. However, such debates did not necessarily have to end with such an outcome: that depended entirely on the emperor and his stance. Hence, there could have been differences between a Tacitus and a Trajan on the issues, or between a Pliny and a Trajan, without it necessarily leading to political disaster. In fact, these more Republican, more conservative, tendencies could exist within the Imperial framework under some emperors. The ideological split is there, but whether it caused bloodshed or not would depend upon the protagonists.

Chapter 4

Morality

It is relatively easy to detect in the texts of our period an interest in and concern with the position of the emperor in regard to Law and a corresponding concern as to the status and effect of Law in contemporary society. One must assume that a debate within the literature corresponds to broader political debate in Roman society, or at least in the higher echelons of that society. In the same vein, texts such as the *De Clementia* and the *Panegyricus* show a similar unease in discussing the morality of the individuals who govern. This chapter investigates both the debate and the ramifications of it for the emperor and his subjects.

Polybius wrote that there were two elements in any political system – customs and Law; and of those systems, ‘the desirable ones are those which make men’s private lives virtuous and well-disciplined and the public character of the state civilized and just’ (6.47). Virtue, akin to morality, is linked to justice, and so to Law. In Republican Rome these customs, collectively described as the *mos maiorum*, provided a doctrine of morality and code of conduct. They were a set of core virtues and behavioural standards that shaped the lives of the Romans of the Republic, and their survival into the Empire would have political ramifications.¹ According to the ideals by which men lived in the ‘ideal age’ that was the Early and Middle Republic a man honoured his peers, respected his betters and supported his lessers; the magistrates did as the senate advised and acted forever conscious of the views, perceptions and behaviours both of their contemporary senators and those who had preceded them in the magistracies and assemblies of the city. In such a system morality was communal, affirmed by the collective and its traditions. Service to that communality took precedence over everything.² The moral man served the state by acting according to the morality of his peers – and especially the *patres* gathered in the senate. The collective nature of Roman morality was reinforced by its political structures so that although the senate may have, for all intents and purposes, guided the state, the lowliest individual had some influence, albeit slight or ritualized, through the assemblies for laws and elections. But not only

was the moral code authorized by its collectivity, but also by its antiquity, tracing its origins back to the foundations of the city. This moral system gave pre-eminence to the collective of the Roman people and bound the individual to that collective.

Opposition to the collective was often seen as immoral.³ Sallust depicts Catiline as ridden with vice.⁴ Cicero turns Verres into an enemy of the order due to his lack of respect for the *mos maiorum*.⁵ Livy's account of the enemies of Rome and the struggle of the orders often cites moral weakness, both collective and individual, as a reason for opposition. For instance, it was the commons' blind and greedy stampede for liberty that ended in the rule of the *decemviri* (3.37). Seager shows that Livy constantly berates the plebs and tribunes and defends the senate.⁶ But more often than not it is the immorality or lack of virtue in the individual that creates the disturbance. It is because Marcus Manlius Capitolinus was both proud and envious that he is led to offer to pay off plebeian debt, fully aware that such generosity would increase his own power, and demonstrate his ambition to surpass his peers (6.11). Spurius Maelius had dubious motives when he distributed free corn and his popularity so went to his head that he aimed at kingship (4.13). Spurius Cassius also proposed land bills, legislation that Livy consistently berated, to court popularity and purchase regal power (2.41). And it was one of the *decemviri*, Appius Claudius, who suffered from an insatiable libido and overbearing lust (3.44). Even Scipio himself was brutal and prone to luxuriousness (29.19). Rome's foreign enemies suffer the same slurs; Hannibal was cruel, a liar and had no regard for religion or honour (21.4); his men likewise were prone to luxuriousness (23.18).

On the other hand Livy's heroes, the heroes of the great Republic, are pictured showing all the key social virtues including *pietas*, *virtus* and *clementia*.⁷ By showing any opposition to be, normally, the act of immoral individuals, Livy not only ties political virtue to personal virtue, and insults those who struck against the senatorial consensus, but also ties the political system to the moral system: the powerful collective morality (which we could call the *mos maiorum*) is made fundamental to the Republic, but also the political systems of the Republic support the maintaining of certain behavioural forms.

With the advent of the Principate the state was subsumed under one man and this dynamic relationship between morality and political power came to be in danger of becoming personified. This concentration of political power created a fundamental paradox since the moral traditions were seen to come from the early Republic and to reinforce the collective. Yet, even when control passed from the many to the individual, Augustus and Tiberius were still keen to portray themselves as bound by the collective and drawing their legitimacy

and inspiration from the historic, collective moral code. This shows that the *mos maiorum* continued in importance after the fall of the Republic. Takács has shown that the discourse of the Republic remained under the Empire (2001, xix). Thus the dynamic relationship between political and moral authority was maintained, but in a fundamentally changed political situation. In fact, it has been argued that with the advent of the Principate the emperor became the embodiment of virtues and that he was himself living discourse, but that the rhetorical discourse established in the Republic remained the same.⁸ Hence the constant evaluation of the morality of the emperor and its link to whether he was fit for government, and the difficulties posed for the *princeps* when the *mos maiorum* was a moral code created for collective government and not monarchy. This relationship allowed a certain scope for non-Imperial figures to assert political authority, since an emperor who was seen not to respect the political and moral values of the collective (the *mos maiorum*) could also come under threat and furthermore, since those political and moral values were part of a continuously reinvented and debated tradition and thus never fixed, members of the collective were able to influence the moral discourses and thus put pressure upon the emperor.⁹ If moral pressure was applied to the monarch, the monarch always had the potential option of accepting the past historic nature of the moral code and seeking to invent an Imperial morality as he was inventing an Imperial politics. Nevertheless, the relationship between morality and politics was a powerful discourse which the emperors could potentially employ to reinforce their own political position.¹⁰ A monarch and his allies could annex to themselves the language of traditional morality, using it to enforce loyalty. Yet in more tyrannous hands, this annexation of moral power allowed the emperor both to assert a superiority over the collective which was not susceptible to normal political influence, but also to impose his authority on the individual in particular intrusive ways which would politicize behaviours and render significant numbers of the elite vulnerable to political attack. Enforcing a collective morality could become a tyrannous act, demanding loyalty to the arbiter of power and morals.¹¹

Furthermore, the dynamic between politics and morality worked to undermine moral certainty. When the system of morality was closely tied to a political system which was seen either to have failed, to have passed, or to have become corrupt, then the moral system itself was bound to lose one of its props. Supported by a collective, once that collective had lost its political ascendancy, and was subject to the interests of the monarch or was seen to be hypocritical in its statements and actions, then the lines of moral behaviour would

inevitably be blurred, and confused in the relationship to the morals of the 'golden age'. If the collective was bankrupt, politically and morally, to where did the good man look for moral guidance? Worse, the situation that gave control to the individual was anathema to this centuries old code of conduct. The *mos maiorum* was a traditional, peer-based, code of morality, which operated to subsume the individual within the collective and thus avoid tyranny. The moral code of the elite of Rome was thus fundamentally undermined by the emergence of monarchy. But that did not mean the *mos maiorum* ceased to have any impact; the rhetoric continued. It does not matter that the *mos maiorum* were prone to development and change, or that they were a construct based on a fictitious past.¹² The code demanded imitation and influenced the behaviour and minds of individuals. As Takács has explained, at the moment of imitation, the fictitious construct becomes real (2001, xix).

It should, therefore, come as no surprise to us that the emergence of monarchy is in parallel to an attempt to establish a new political base for a collective morality. A reform of morals was closely connected to the establishment of the new regime. Augustus took over the care of public morals in 19 BC, and maintained the position throughout his reign.¹³ As with Law, the authority to dictate morality fell into the hands of the emperor. The emperor was the new moral arbiter for the state.¹⁴ Public morals came to be the creation of the *princeps*, regardless of who he was and how he acted. He could choose to follow the *mos maiorum* or he could move away from them. Augustus clearly went out of his way to pay lip service to the *mos maiorum*. But when the individual at the top acted in contrast to the *mos maiorum* or requested certain actions, he was establishing a new moral code with the implication that others should follow his lead; marrying for Augustus or racing chariots for Nero serve as examples. Tacitus tells us of men who shaped their behaviour to accommodate the mores of the contemporary regime, such as a Petronius or an Otho.¹⁵ In any autocracy the autocrat sets the moral tone for his people and the moral code of the emperor became the 'official' or acceptable morality of the collective, but the possible tensions are illustrated by the position of the *delatores*, defending the regime through their informing, but destroying the collective in their undermining of trust. In fact, they even used the *mos maiorum* to attack individuals such as Thrasea Paetus, suggesting his retirement was working against the collective.¹⁶ The *mos maiorum* were therefore debated and claimed by a variety of people, from politically astute emperors to Republican dissidents. The *mos maiorum* were so important that certain emperors even felt threatened in the face of men more 'moral' than themselves, showing the political importance of morality.

However, not all would simply follow the commands of a *princeps* or one of his favourites. The *mos maiorum* of the Republic, with its peer-based code of conduct, made sense to individuals within that collective.¹⁷ It had been ‘constructed’ over centuries and would be unlikely to simply disappear with the onset of monarchy, especially considering the Roman veneration of tradition. But when this collective was no longer governing the country, its moral code became dislocated from the state. Simply obeying the orders of an individual may not have been a plausible alternative moral system to that of the *mos maiorum*. Indeed, one might imagine that the reversal of the traditional code, reinforced as it was through a host of historical examples, from a magistrate obeying the collective to the collective obeying the magistrate, was too revolutionary a step for many senators. Certainly some, even most, chose obedience in exchange for safety and preferment; some, even most, accepted the change in the nature of the state, and so saw service to the state, an integral part of Republican morality, as something still to adhere to, despite its change from collective to individual interest, from senate to emperor. When this new state purported to restore religious propriety and old-fashioned customs and virtues, this may have seemed acceptable in itself. But when the emperor flouted the traditional *mos maiorum* by promoting informers, licentiousness, the empowering of freedmen above nobles, vast private building projects, forcing senators to act, perform or fight in the arena, then there was a serious breach with traditional values. Naturally we are dealing with a remembered tradition, that is in some ways therefore artificial, but the ‘true’ Republic or ‘true’ behaviour of those within it is less important than how the Republic was ‘remembered’ or idealized. Takács has shown that the transformation of events into historical memory can create an imaginary world, but that world can be just as important as actual, tangible events (2009, xviii). The remembered tradition may have been artificial, but that artificial memory had real consequences during the Principate. Gowing has shown that during the Principate individuals were starting to conceive of the Republic as an entity to be remembered, independent of the Principate, yet using language that originally drew no distinction between the two (2005, 7). This would clearly have a knock-on effect on the language, where traditional terms would suddenly acquire new meanings and connotations. Gowing points to words such as *libertas*, or even *Cato*, suddenly becoming focal points where memory was being contested and remade (2005, 7). How artificial the construct of the Republic was during the Principate is, in a sense, unimportant. It was that construct that created and helped form the opposition to the Principate shown earlier. The memory of the Republic did not have to be accurate for it

to have serious consequences for the politics of the Principate.

The collective Republican values were hallowed by a tradition but the Imperial code was a thing of the moment, generated by the concerns of a particular emperor. Inevitably, with moral codes 'ungrounded' in belief systems, the result was the kind of moral relativism practiced by the likes of Petronius and Otho. This clash of moral codes or systems would ensure another debate, this time moral and not legal, which would result in a constant re-evaluation of the man at the top. Moreover, the pressure of an older moral code alongside whatever the Imperial regime offered, gave individuals a choice and that choice was both political and moral. As the moral code of the *mos maiorum* also went to the heart of Roman historical and political identity, the choice made by an emperor of what code to follow could place him within the Roman Republican tradition or in a more foreign light. The *mos maiorum* had clearly developed in order to protect the political system of the Republic, to save the dominance of the collective. An emperor's acceptance or rejection of them, therefore, made a strong political point. Hence the attribution of Hellenism to emperors such as Nero.¹⁸ Where an emperor felt the *mos maiorum* constrained him he may well have moved away from traditional morals, which in turn created a space and tension in Roman society. Dissidents could clearly make use of this.¹⁹ One's moral stance was therefore a political statement.

In what follows we explore the dissonance in Roman moral thought under the emperors. The Augustan drive to restore public morality has been well documented.²⁰ In fact, Augustus introduced a level of state supervision of morals that was far more extensive than under the Republican system; his claim to restore morality and follow the *mos maiorum* was not only far more aggressive, but the power to supervise and restore the morality was placed in the hands of an individual for life, which was anathema to Republican ideals.²¹ This excessive form of 'traditional' morality, not encouraged by *exempla* and peer pressure but enforced by Law and censorial power, was a form of Imperial disciplining of society. The emperor could ensure his version of morality through legislation and even force. The source of morality had irrevocably changed. There were no peers for an emperor and so the font of morality moved from the community to the individual, from the senate to the emperor. This must have ensured a debate in the salons of Rome about morality, the *mos maiorum* and the perceived morality of the emperor; was he or was he not working within the tradition of the Republican *mos maiorum*? The very fact that the literary sources of our period are full of commentary on the emperors' morality shows the importance of this to the Romans, and its importance was partly political.

Theory of Morality

The key issue on which this chapter will focus is the ‘theory of morality’²² and the search by Romans of the age for the source of moral authority, be it the Imperial ideology of the day, the very Republican *mos maiorum*, or in reason. Together with the following chapter, Behaviour, it bears a relation to what Foucault would call the ‘morality of behaviours’, i.e. a study of how much individuals follow the prescriptive system of their culture (1984, 26). In our case the prescriptive system includes the *mos maiorum* and the more temporary Imperial moral ideology put forward by the various regimes. How people behaved and what they did will be addressed in the next chapter.²³ This chapter will address what Foucault would term a ‘history of codes’, i.e. it analyses the different systems of rules and values that are operative in ancient Rome. First, it is necessary to chart the different moral codes in circulation; this will uncover a continuing debate about the systems of government that parallels what we have already seen with regard to the Law. However, these codes were certainly not cemented codes that could be looked up. Instead, one should think of them as clusters of moral values that come to be associated with particular codes. The *mos maiorum* is of course one of these codes, and more of an analytical convenience than a list of correct behaviours in the same vein as the Ten Commandments. That is why the *mos maiorum* were so important; there was debate around whether an individual, especially an emperor, was behaving correctly, based on one’s idea of correct behaviour and the *mos maiorum*. Some specifically sought to move away from such a traditional code of conduct, whereas others debated the conduct itself. And rival groups could claim to be in keeping with them.

Augustus and Tiberius embedded their moral systems in the traditions of the Republic. Augustan literature shows the concern for moral regeneration that was prevalent at the time and encouraged by the *princeps* himself.²⁴ We have seen that Livy’s historical work was full of praise for the virtuous and slander for the corrupt in society.²⁵ There is a similar emphasis on *pietas*. Under the Republic, Coriolanus showed *pietas* towards his mother (V.M. 5.4.1), and a vestal virgin was praised in such terms for defending her father from a tribune (V.M. 5.4.6). *Pietas* was also the key Augustan virtue, representing loyalty to the family, state and the divine. Virgil’s *Aeneid* was a foundational epic, describing the founding of the Roman people at the very point at which Augustus was re-founding *pietas* as the essential Roman moral characteristic that ensured loyalty to the state at the expense of the individual.²⁶ Examples abound, but perhaps the most obvious

incidents involve Aeneas' treatment of women. As Troy was burning, Aeneas loses Creusa while rescuing other members of his family, but his mourning and search for his love is curtailed by his *pietas*; Creusa's ghost reminds him of his duty to his people and he leaves Troy to found Rome (2.776–89). The Dido episode similarly dramatizes a choice between *pietas* and *amor*, with Aeneas being reminded of his duty by the gods (4.265–76). Although both episodes are far from morally straightforward, Aeneas is clearly asked to put state ahead of his personal feelings and even his family, and this echoes the traditional elevation of state over family in the *mos maiorum*. Such a feeling can be seen in various works of Cicero and it was *pietas* to the state that Augustus promoted because this was *pietas* to himself and secured his regime.²⁷

The earlier *Georgics* put forward the notion of the virtuous rustic life located in a world remote from the city and contemporary concerns.²⁸ Virgil explains that the decline in morality has led to contempt of the countryside which was left to ruin while farmers turned killers (*Georgics*, 1.506–8). He requests the gods not to prevent Augustus from securing a world in ruins (*Georgics*, 1.498–501). It is Augustus who was to ensure moral reconstruction. The restoration of morality goes hand in hand with the return to the simple rustic life under the safety of Law (4.562). Augustus developed morality as a key element in his restoration. As the *curator morum* he became the guarantor of a Republican morality that could be seen to have been in decay during the last years of the Republic and the result of that decay was the civil wars and related disturbances. Augustus presented his position as necessary for the preservation of morality, which was required for the preservation of order, and thus his anomalous position could be justified as the only means possible for a restoration of old-fashioned values. It was thus a conservative counter-revolution and was dressed in Republican traditions as a result.²⁹ This was obvious both in his political vocabulary, but also in the honours he paid to Republican heroes, presenting them as exemplars of a political and moral tradition of which he was both heir and restorer. In putting up their statues in his forum, Augustus not only honoured them, but established their continuing relevance for the Imperial age and associated their glories with his regime.³⁰ As Roman moral thought was historical, depending on the use of exemplars from history, Augustus in promoting Republican exemplars as part of his ideology was both projecting a clear comparison between himself and the great Republican heroes, such as Camillus who defeated the Gauls in 390 BC or Appius Claudius Caecus, the censor of 312 BC, but also offering a moral connection between himself as saviour of the Republic and those earlier heroes.³¹ But this conservative revolution suggested that

the old values that had ensured moral behaviour were not working and that an extraordinary intervention was needed, in the form of Augustus, to re-establish morality. To defend the morality of the collective, the *mos maiorum*, one now needed someone who was the ultimate arbiter of morality and thus above and beyond the *mos maiorum*: one needed a revolution in order to preserve the old. One might expect this paradoxical concentration of the power and moral values of the collective on an individual to arouse opposition, which can in part be seen in the subversive writings of the elegists and has been charted in the previous chapters.³²

Under Tiberius, despite the Principate being firmly established, there was still extensive use of Republican exemplars in contemporary writers such as Valerius Maximus and Velleius Paterculus. Such moralistic writers looked back at Republican exemplars, albeit sublimating the political importance of the characters. Cato, for instance, is used as purely a moral example and so never shown as an enemy of Caesar in Valerius Maximus' works. Similarly, Cicero is depoliticized in Velleius, as Cato is in Seneca.³³ Velleius Paterculus mentions the Camilli, Scipiones, Fabricii, Marcelli, Fabii and divine Caesars in the same breath (2.1.3).

Nevertheless, for Valerius Maximus public morality depended on the emperor not the collective.³⁴ Valerius Maximus started his work with a call to Tiberius:

Caesar ... by whose celestial providence the virtues I shall tell are most kindly fostered and the vices most sternly punished. (1 Preface)

And he explains that the role of censor is as glorious as victory in warfare and stresses devotion to the state.³⁵ The importance of the *princeps* is highlighted and he still writes that the stability of the state depended on individual morality.³⁶

At the same time, Velleius Paterculus wrote of Rome as a *res publica*:

There is nothing that man can desire from the gods, nothing that the gods can grant to a man, nothing that wish can conceive or good fortune bring to pass, which Augustus on his return to the city did not bestow upon the *res publica*, the Roman people and the world.³⁷ (2.89.2)

One could even say that Velleius was writing as if the regime was a continuation of the Republic.³⁸ *Res publica* in this case may be translated as state, but it is clearly a particular type of state, hence the stress on the laws and the traditional form of the *res publica*. Velleius goes as far as saying, 'the old traditional form of the *res publica* was

restored' (*Prisca illa et antiqua rei publicae forma revocata*: 2.89.3). The implication was that the *mos maiorum* of the Republic was still in effect under Tiberius and therefore his rule was legitimate. At the same time the importance of the *princeps* as moral arbiter and his role of ensuring the continuation of the *mos maiorum* is highlighted in Valerius Maximus (1.1.9). But Tiberius' retirement to Capri ensured rumours that contradicted such official Imperial writing. There is plenty of anecdotal information that shows Tiberius as a defender of traditional morality and as someone who showed deference (however falsely) to his peers (Suet. *Tib.* 30). He shunned extravagance and behaviour unbecoming for a Republican noble (Suet. *Tib.* 34; Tac. *Ann.* 4.6); he restrained the number of gladiatorial pairs that could fight in the arena and regulated the price and amount of household furniture allowed (Suet. *Tib.* 34); he exiled actors and astrologers (Suet. *Tib.* 36; Tac. *Ann.* 4.14) and he made little attempt to flatter the plebs (Suet. *Tib.* 48).³⁹ In short, he put the Republic, with its traditional virtues, at centre stage of his ideological representation.

However, Tiberius' retirement to Capri ensured he became the subject of considerable moral speculation (Suet. *Tib.* 43). Due to the absence of Law as a restraint on the *princeps*, the morality of the emperor was vital. Similarly, as arbiter of morals, it was natural that the actions of the man at the top would be scrutinized. The inaccessibility of Tiberius on Capri, along with causing a host of other problems, made this scrutiny impossible and so led to rumours of excessively perverse sexual acts.⁴⁰

There was an inherent tension in this moral system. The emperors were advancing a moral system, based around their personal authority, which claimed its origins in customs and practices in which the existence of an all-powerful individual was unthinkable. The emperor was presented as the only hope for a moral system but the position of the emperor himself was potentially the greatest aberration from that system. Furthermore, once the emperor becomes the personal embodiment of the moral system, then if the emperor was seen as a hypocrite, the whole moral system was shown up as a farce. Such tension, highlighted in our texts, makes sense of the opposition we have already seen that centred around a strict moral code.

A few decades later Seneca felt the need to explain Nero's actions in the *De Clementia*. In Senecan Imperial ideology, morality was politically central. The emperor could not and should not be restrained by the examples of the past; Seneca does not use any examples from the Republic, instead focusing on Augustus.⁴¹ He is not interested in pushing forward a Republican view of the *res publica* of the Roman people, or assuring the dominance of the *mos maiorum*. This mirrored Nero's building projects such as the *Domus Aurea* and

the *Domus Transitoria* – lavish and regal monuments to personal power and monarchy.⁴² There was no place for the statues of Republican heroes in his Rome. The *mos maiorum* no longer had force for a Nero and Seneca explains why. Here, there is a move to create an Imperial ideology not only in political terms but in moral terms too; in fact, once the Principate was secure, the morality of the *princeps* ensures the legality of his reign and the political freedoms of his subjects. Following the tradition of Greek kingship texts, Seneca expounds the theory of the good king compared to the bad tyrant. The man's character, and particularly his mercy, was paramount in ensuring a just rule. Despite the murder of Britannicus, he talks of Nero's innocence (1.1.5; 1.2.3) and expounds the virtues of *clementia* over *crudelitas* as marking the difference between a king and a tyrant (1.11.4–13). Nero's mercy has freedom of decision (2.7.3). In the *De Ira*, Seneca also says:

Similarly it becomes a guardian of the Law, the ruler of the state, to heal human nature by the use of words, and those of the milder sort, as long as he can, to the end that he may persuade a man to do what he ought to do and win over his heart to a desire for the honourable and the just, and implant in his mind hatred of vice and esteem of virtue. (1.6.3)

The emperor dictates and implements morals; it is up to the *princeps* to ensure 'esteem of virtue'. If the emperor judges what is moral, it is clearly subjective; playing the lyre, acting, racing a chariot or fighting in the street could be seen as moral pastimes for the upper classes by certain individuals. If those individuals rule, then these hobbies will become, officially, 'moral', or at least not immoral. Times had changed; Cicero's *De Re Publica* based the difference between a tyrant and a king on justice, and justice lies in Law. Seneca uses mercy, despite the term being collocated with the adjective 'insidious' with reference to Caesar by Cicero.⁴³ Such a text shows that the morality of the emperor must have been a key issue in the first century AD; it would have been a topic for discussion in the salons of Rome. Clearly Cicero's works would have been well known to the educated of Nero's day, and so Seneca's claim was bold indeed. Moreover, with the backdrop of the Republican code of conduct, the *mos maiorum*, that discussion was political. The perceived morality of the emperor could ensure comparisons to, on the one hand, a Cato, but on the other, a Greek tyrant like Cambyses.

With the accession of the Caesars the state had changed and Seneca attempts to instruct how one should act under monarchy.⁴⁴ *De Ira* is full of examples of how to stay calm in the face of tyranny. When Caligula sent a son of Pastor to prison, the man complains, only to be

forced into watching the son's execution and then be invited to dinner. At dinner, Pastor shows no expression whatsoever; he does not indulge in anger, because that would put the life of his second son at risk (2.33.3–5). Similarly when a rather brave individual told the Persian king Cambyses that he should stop drinking, the king killed his son to prove his sobriety. Again the father concerned stayed calm (3.14.1–6). Seneca even claims it is petty to bite back when bitten (2.34.1). Seneca is promoting a kind of Imperial ethics. Under a monarch there is no place for anger and dreams of revenge. He even claims that animosity, if abandoned by one side, will disappear as it takes two to fight (2.34.5). In a monarchy such restraint of distress is necessary when with kings (3.15.3).

Seneca is clearly advocating quiet acceptance by the subjects of monarchy.⁴⁵ At the same time he attacks the masters who abuse power: Alexander himself had Lysimachus thrown to the lions but when Lysimachus escaped he had learned nothing. He mutilated his friend Telesphorus until he was utterly unlike a human being, but Lysimachus was the lesser man for it (3.17.4). Seneca advises calm in the face of oppression, but states that the man who misuses power somehow becomes illegitimate, losing his humanity. Coupled with the *De Clementia* and its advocacy of certain virtues, Seneca promotes a list of necessary traits for the perfect ruler and the ruled.

It seems Seneca had some problems in explaining his conduct under Nero and the discussion of how a moral man, as Seneca presumably saw himself, should act under tyranny would continue. But the whole issue raises the problem of with whom or what does the font of morality rest? Takács has shown that the emperor came to represent all virtues and emerged as living discourse; he was symbolic of Rome, with its history, laws and traditions (2001, 151). The problems caused by an emperor who did not follow moral form were extensive. As Dihle asks, are the virtuous qualities of an emperor part of his superhuman nature or simply the result of conscious observation of ethical principles?⁴⁶ In other words, was the monarch, was Nero, subject to the same moral code as everyone else or was he morally legitimate due to his position? Dihle shows that Seneca seems to approve of what he calls a 'monarch's charismatic nature'.⁴⁷ For Dihle, Seneca does not adequately address the issue of who dictates morality in an Imperial system. He names virtues and offers advice for living to both subjects and emperor, but what if the monarch is a tyrant? He may cite individual examples, such as returning a *beneficium* to a tyrant only if that tyrant will not use it for harm (highly impractical) but there is no mention of how one decides if the king is a tyrant.⁴⁸ For Seneca, moral authority seems to stem from the *sapiens*. In a letter Seneca writes that philosophy shows the individual what things are

evil; strips the mind of vain illusion; represses conceit; and does not permit ignorance of the difference between what is great and what is not (*Ep.* 90.28).⁴⁹

So only the *sapiens* is tutored in moral thinking and freed from passions so that he may operate rationally and evaluate what and who is good or bad. Although his moral ideology concentrates on acceptance and understanding, hoping that the monarch is moral, and accepting mercy shown, he does suggest that the moral man – the philosopher – knows how to cast judgement on those above him such as the emperor. Such a view from a man who was at the side of the *princeps* highlights the problems emperors could (and did) have with subjects seeing themselves as philosophers or *sapientes* and so justified in criticizing an emperor's rule. These critics were doubly problematic since not only were they convinced of their own rectitude, but they were also impervious to criticism themselves, and an association with martyrdom and a rejection of material concerns mean that they were extremely difficult to intimidate. Seneca points out that when people attacked Cato he felt no injury; the wise man is safe from injury or insult (*De Constantia* 2.3). Such men, above injury and constantly criticizing the emperor, proved to be thorns in the sides of various regimes because of their personal morality, and the link between morality and politics.⁵⁰

Seneca promulgated a belief that the wise man should teach those who do bad things to do better things. When this cannot be done in political office, it can be done in retirement through teaching and writing; he attacks Vatia for his retirement into indolence (*Ep.* 55). Seneca speaks of his own seclusion in terms of the work he is producing for future generations in order to guide them and show them the right path, as befits a wise man (*Ep.* 8). Similarly, he goes out of his way to explain that withdrawal is not a comment on the state of the times (*Ep.* 68). This defence shows, as does the trial of Thrasea Paetus, that withdrawal was indeed seen as a political statement, which is in itself quite a jump from the Republican system. During the Republic, an engagement in public or political life was a reasonable guarantee of morality since it ensured that one was open to the influence and, indeed, scrutiny of one's peers. Tiberius' isolation came to be seen as a sign of his immorality, and accessibility was a clear marker of the 'good' emperor.⁵¹ But for Seneca morality does not depend on the community, but on the wisdom of the wise individual. It is to be found in reason, not in the community. Seneca could thus find wisdom in withdrawal and act as the moral man from isolation (unlike Tiberius), though that morality remained oriented towards society, teaching his readers to be better in their social activities. Ultimately Seneca fell foul of Nero's regime and one wonders how

much his defence of philosophy led to his own downfall. Looking for morality in philosophy could easily be seen as an affront to the emperor and his society.

During the Republic in theory the collective could decide when one of their peers was immoral, using the *mos maiorum* as their guide. Particular individuals (such as Cato) might be seen as exemplars of older traditions and their views might be given more weight, but this was still a morality based within the collective. But in the Principate the elevation of individuals other than the emperor himself to a position of moral leadership presented problems. The wise man was answerable neither to his peers nor to his emperor and hence took a position which was beyond the morality of the collective. Seneca's position thus had considerable similarities with that of more dissident figures, such as Thrasyllus Paetus, whose moral disapproval from beyond the collective moral sphere was discomfiting for the emperor and ultimately read as political. Seneca fell, linked to political conspiracy.

Clearly there was more than one available moral system for the ruling classes: that projected by the Imperial regime was countered by that inherent to the *mos maiorum* of the Republic or even the moral system to be found in reason. Because the character of the emperor was so vital to his regime, as in any autocratic system, the Imperial moral code was open to extreme change. Under Nero the upper classes could spend their time racing chariots, acting, playing music and getting up to whatever sexual excesses they pleased without the regime criticizing their morals. Senecan ideology speaks of moral authority as coming from the *sapiens* and philosophy.⁵² Yet in *De Clementia* he proposes Nero's total control, based on the boy's morality and more specifically his mercy; in so doing he has to equate Nero with the wise, an act which may have given rise to a certain incredulity among some of his readers. Senecan ideology was thus in tension between the requirement that the wise man rules, and the reality of rule by an emperor whose wisdom might, on occasion, be in doubt. But the *De Clementia* ultimately sanctioned Imperial control based on Nero's personal morality. Such an ethical system, based on the morals of the single ruler, whoever he was, may be seen to have grown out of the traditions of the *mos maiorum* (as interpreted by Augustus), but was anathema to the *mos maiorum* in the concentration of authority on the individual. Yet, Senecan doctrines created a space in which there could be dissonance. Seneca's argument depended heavily on the emperor being one of the wise. But it is unclear how one would behave should the emperor not be one of the wise and how the emperor's wisdom could be determined. Further, if one decided that Nero was not acting in accordance with the *mos maiorum* and was personally immoral, even though the Augustan monarchy established

the emperor as the embodiment of that morality, how was one to act? Thus, an individual could take a moral decision to follow Nero, since as the embodiment of the morality of the *res publica*, nothing that he could do was wrong, and following him must be beneficial to that state and therefore moral. Griffin shows that according to Tacitus the moral behaviour of the upper classes tended to follow the emperor (2009, 173).⁵³ Conversely, one could oppose Nero because he acted contrary to those traditional mores, rejecting the Imperial system by so doing. But such an assumption of moral authority depended on a separation of the *mos maiorum* from the state, which in itself is a fundamental breach with Republican morality: if the state no longer represented the morality of the collective, where could that morality manifest itself? Therefore, for men like Helvidius Priscus, morality no longer lay in the state, but outside it.⁵⁴ When one's peers were following the moral code of a tyrant, and not the *mos maiorum*, then certain men would feel it immoral on a personal level to follow suit. They could look to the alternative Republican *mos maiorum* as a code of conduct but, ironically, morality would then become an individual decision as opposed to a communal code, as the *mos maiorum* had indeed been in the Republic. For these men, morality no longer lay in the state because the state had become corrupted by and usurped by one man. Or rather, the true state was not what the emperor professed, but something else, rooted in, for example, the *mos maiorum*. In this way it is quite easy to see how an individual's perceived morality could harm the emperor's reputation and be seen as a political act. Similarly, an individuals' professed morality could be read as political and lead to his demise, as can be seen in Chapter 2. This helps explain just such a situation. These texts are the backdrop for the historical narrative and show the power relations at work even regarding one's moral outlook.

A third way, as represented in Seneca, was through pure reason. The *sapientes* deployed this wisdom to generate a moral code. However, more often than not, such a moral code simply concurred with the Republican *mos maiorum*, advocating such values as *frugalitas*, *moderatio* and the suspicion of excessive ambition. As the wise man would not let anything stand in the way of wisdom, they were potentially dangerous, and especially when such a choice by wise men such as Thræsea Paetus, tended to favour the *mos maiorum* over the varied Imperial codes as we have already seen.⁵⁵ The wise could reject the emperor if he was not himself a wise man.

Where Seneca's defence of the Principate relied on the emperor's morality, or more specifically his mercy, Lucan wrote attacking that very same trait. As Seneca's nephew and contemporary, the contrast with the *De Clementia* is striking. For instance, Domitius is seen as a

victim of Caesar's mercy (2.512–13) since Caesar, knowing that Domitius sought punishment and feared pardon, decided to pardon Domitius, even if it ensured he would rise again against Caesar (2.511).⁵⁶

How much better, if he had been slain outright, would Fortune have respected the honour of a Roman! This surpasses all other penalties that for joining the army of his country – an army led by Magnus and including the whole senate – a patriot should be pardoned. (2.517–21)

Domitius' nobility was defeated; he became a living sign of Caesar's clemency, and so his superiority. The pardoned were stripped of their honour, defeated yet alive, and so were the victims of mercy. By definition mercy is a trait shown by a superior to an inferior; it denotes dominance and should be despised in a Republican system for it undermines the collective that is both the source of morality and which the moral system is designed to preserve.⁵⁷

Valerius Maximus saw mercy in a more Senecan way. Writing about Vibellius Taurea in 211 BC Valerius asks:

What kind of man should we think him, who chose to testify by the slaughter of himself and his that he would rather blacken Fulvius' cruelty than avail himself of the senate's mercy? (3.2.ext1)

For Valerius, accepting another's mercy is better than suicide; not so for Lucan.⁵⁸ Caesar is shown as enjoying the moments when he can bestow such mercy with sinister smiles.⁵⁹ He smiles when he spares Pompey's men because they, the Republican forces, are conceding his right to spare or take life, and so his dominance. Afranius tells Caesar 'my sole reason for begging life is that I consider you, Caesar, worthy to grant it' (4.346–7). Leigh also points out how Lucan continuously speaks of mercy in terms antithetical to Book II of Seneca's *De Clementia*.⁶⁰ Moreover, for Lucan morality is turned upside down.⁶¹ Characteristics that appear to be good end up being sinister for the reason that they are shown to the wrong people and go against the Republican collective. Lucan attacks the virtue of loyalty; he shows several of Caesar's men as so loyal that they would happily kill their own families to extend their *gloria* (4.503). Caesar's men are continually shown in such exaggerated actions as to mock the virtues they profess. Laelius is not just loyal, he needs and wants Caesar's commands, regardless of what they may be (1.367–72). Similarly Scaeva pretends to surrender to the Pompeians simply so that he can attack and slay more of them, whereupon he explains that he loves death more than they do the senate (6.230–46). For Lucan, clearly

love and loyalty to the wrong man, regardless of his position in the state, is not loyalty to the state itself.

Lucan also suggests that blind faith and *pietas*, when shown without judgement, are wrong. Vulteius and some legionaries commit suicide instead of surrendering to Pompey and Lucan mockingly cites *pietas*:

Our company would have surpassed all records that time has preserved of loyalty and military devotion, maintained by the sword. (4.497–9)

Pietas was the virtue Augustus cited as a reason for avenging the death of Caesar. Vulteius' *pietas* is to Caesar and not to Rome.⁶² For Lucan loyalty and piety are misplaced when shown to Caesar. Scaeva even wants to fight to the death but wishes Caesar was there to witness his stand (6.158). Interestingly, one of Valerius Maximus' examples of a good man is Scaeva, but in Lucan he is a corruption of virtue.⁶³ Lucan shows how traditional virtues have been undermined; they are no longer virtues if shown in the wrong circumstances or to the wrong people. The bravery to kill an innocent man is not bravery as a virtue; mercy used to humiliate an enemy or as a political tool is not mercy as a virtue. The traditional virtues are shown up as perverse and perhaps perverted and Lucan can then claim virtue in a civil war is a heinous crime.⁶⁴ Mercy shown by a tyrant was offensive to the honour of men fighting for the *res publica*; loyalty to a tyrant was misplaced and actually denotes a lack of *fides* to the state; *pietas* shown towards the head of one's army (Caesar) is wrong and Lucan goes out of his way to show the impiety of Caesar when, for example, he violates the holy places of Troy (9.950–79). For Lucan, showing piety to the impious obviously cannot be virtuous.⁶⁵ The political system corrupted the moral framework. Hence Cato's claim that Scaeva did not know that valour in a civil war is criminal (6.147–8).⁶⁶ Whereas Horace claimed that men are ashamed to show their scars from the civil wars, Lucan has Caesar's men eagerly showing them off.⁶⁷ Caesar is bloodthirsty in the extreme, enjoying bloodshed (7.292–4; 7.789–91). It is precisely by showing Caesar as such a psychopath that Lucan can then attack the virtues shown to him personally. Virtues are only virtues if used for the good of the state; it is immoral to be loyal to a tyrant. It is made manifestly clear that Pharsalus led to Lucan's contemporary situation; 'Pharsalus is responsible for so great an ill' (*Pharsalia tanti /Causa mali*; 7.407–8). At Pharsalus,

the armies rushed forward, each inspired with the same passionate ardour, the one to escape a tyranny, the other to gain it. (7.385–6)

Morality had changed with the political situation.⁶⁸ The *Pharsalia* suggests that in such a time there is a real lack of moral foundation. Morality has failed in a political community that has failed. The morality of Cato and Pompey, the two other heroes of the work, does not seem to offer a viable alternative to Caesar, and thus although one gets a sense of a possible solution, it is not easy to find.⁶⁹ However, Seneca's portrayal of the emperor as the philosopher-king, ruler of the wise, is certainly mocked by Lucan's bleak work.⁷⁰

Romans of the Imperial period thus existed in a morally complex universe in which there was no defined and absolute source of moral rectitude. This had a fundamental influence on Roman politics. For instance, when Eprius Marcellus was attacked by Helvidius Priscus for his attacks on innocent men under Nero, he could claim he was simply following the lead of his emperor and the behaviour of his peers. He was taking the emperor's moral code to be that of the state and therefore the one to follow. Or at least, this is what Tacitus has him say in his defence. As Tacitus explains; 'he admired the earlier period, but adapted himself to the present' (*Hist.* 4.8). Such moral relativism may have made nostalgia an attractive option. When an individual felt there were few contemporary 'moral' peers, he could look back to an idealized past and the moral men of the Republic. In a world of shifting morality the past offered certainty. The men of the Republic, and the system itself, could easily become a beacon of hope offering a more fixed morality ennobled by the prestige of history. Republican history, as a moralising discourse, could then become a source of opposition to a contemporary Imperial regime. In a rather dramatic shift from the reign of Augustus in which Republican heroes were honoured and cited to establish a link between the *princeps* and the past, the Republican past under later emperors becomes a potential source of embarrassment. Gowing has shown that Neronian writers such as Pliny the Elder, Servilius Nonianus and Cluvius Rufus did not write about anything before Augustus and Aufidius Bassus probably only went as far back as the death of Cicero.⁷¹

The obvious differences between the old *mos maiorum* and the morality of the emperor could cause crises. A once loyal soldier, Subrius Flavus, is presented as conspiring against the Emperor Nero because of this moral incompatibility. Both Tacitus and Dio give the reasons for his entrance into the conspiracy as moral; in Tacitus he resented Nero once he had killed his mother and wife, become a chariot racer, actor and firebrand (*Ann.* 15.67). For Dio, it was the chariot racing and playing of the lyre that supposedly ensured his complicity (62.24). Instead of dismissing such motives out of hand, the sources representation of the motive should be seen in the light of the clash of ideologies – Republican and Imperial. It would seem that

Flavus reasoned that he owed loyalty to the emperor for as long as that emperor could be seen as the exemplar of traditional morality, but when the emperor was clearly in breach of that morality, he could no longer lay claim to the loyalty of his troops. Further, once the emperor was no longer perceived as moral, it was the responsibility of the moral man to overthrow him. The reasons stated in the sources may well not have an historical reality; who knows why the man turned against Nero. But the possibility of it being on moral grounds speaks volumes. Traditional morality could animate opposition and inspire revolt. The *mos maiorum* and its traditional morality survived as a code into the Imperial period and was comprehensible as late as the time of Tacitus and Dio. An emperor who broke this moral code ran the risk of seeming to forfeit his position as head of state. Since the emperor's position partly depended on his moral leadership of the state, a moral opposition was both likely and potentially dangerous, undermining the legitimacy of the regime. In this way, the traditional *mos maiorum* had an afterlife into the Imperial period where it could focus opposition to Nero's more 'inventive' personal morality.⁷² The choice of where to look for one's moral exemplars became a political choice between the individual emperors and the past Republic, where morality was absolute. This opposition also acted under so-called good emperors. The moral issue was not simply about the morality of the man in charge; it was about the morality of the political system.⁷³

By the accession of Trajan, Rome had seen both 'good' and 'bad' emperors and the ravages of civil war in AD 68–9. The Principate was still in place and the historical Republic was truly something of the past and beyond most people's lived experience. Pliny saw Trajan's rule as moral and legal. Together this was enough to claim a return to the Republic (*Pan.* 93.3). That a man who behaved well was emperor after a Domitian was enough to ensure the usual workings of the *res publica* and so could be construed as a return to normality. The *Panegyricus* is an extended appreciation of Trajan in legal and moral terms.⁷⁴ He is merciful, self-controlled and free from lust and greed (23–7), brave (13), magnanimous and moderate (58) and not susceptible to flattery (41). The list goes on. Importantly, Trajan's good behaviour, his following of form in taking the oath in the senate house etc, is explained in moral terms. Pliny complements Trajan's use of friends and advisors (e.g. 44, 88). Trajan used the senate in a meaningful capacity and by doing so the collective gained respectability and credence and it is the approval of that collective that provides Trajan's regime with legitimacy. Pliny is advocating a return to a collective moralism, albeit one that depends on the emperor. By combining collective morality and the claim that there was a dialectic between emperor and senate, he was making the moral

and political case for the Principate in Augustan and Republican terms. Again, if this is seen as a reaction to the debate about the *mos maiorum* and the emperors' morality that no doubt filled the salons of Rome, it makes sense. Pliny is trying to appease dissident elements, who could have turned dissident due to the emperors' failure to follow Republican morality – the *mos maiorum*.

Domitian is depicted as a bad ruler because he acted harshly against those who broke his code of morals. He forbade, for example, the castration of men while indulging in eunuchs himself (Suet. *Dom.* 7; Dio 67.2–3). Like Augustus, he saw himself as a great reformer of Roman morality.⁷⁵ It is precisely because, however, this moral legislation was legally enforced, and not organic to, and obeyed by, the whole community, that they were seen as 'immoral'. This highlights the basic problem of Imperial morality. Even when the emperor may have a stern sense of morality, if he enforces it in extreme ways then it will come across as unethical to many. The *mos maiorum* were of such importance that some emperors attempted to follow them in order to gain legitimacy. But the nature of one-man rule was such that any deviation from them or hypocrisy could easily be seen as going against them.

Moreover, the emperor may be unsuitable to be the source of morality; Domitian was notorious for immoral acts himself. He thereby forfeited his right to rule and to enforce morality. There was a sense of moral enforcement as wrong when it came from an individual, and certainly when it came from an individual such as Domitian. Literature by those following the Imperial propaganda tries to justify this; Skidmore shows that Valerius Maximus continually explains that the failure to reward moral excellence and punish vice threatens the whole structure of society.⁷⁶ The simple fact that he can enforce his morality, however legitimate or however steeped in Republican tradition, is immoral. A peer-based code of conduct could easily be portrayed as good for the majority because the majority create it and follow it. But a code invented by one man and changed at every accession, which is also enforced with extreme prejudice is unethical; it is simply not a good way of going about setting morals straight. It is precisely because the *mos maiorum* benefited a state controlled by this collective that people would follow it for their own communal benefit. When the state is one man, regardless of the idiosyncrasies of that man's morality, following his lead may no longer be in the best interests of that collective. Not only did Domitian's hypocrisy make him unsuitable as a source of morality, but also the fact that his conservative morality was imposed by the will of an individual, and not created by the community, meant it was not a collective morality.

Trajan was seen as good because he acted morally. His morality was enough to ensure a part for the senate in governing the Empire and to prevent the return of bloodshed in the form of *maiestas* trials. Pliny defends the political system; he even showed anger when individuals tried to subvert it (e.g. with the spoiling of ballot papers; *Ep.* 4.25). Because of this acceptance he saw morality as the key issue. But it was still the morality as presented through the ages as the *mos maiorum* that was chosen. Tacitus also approached the issue of whether it was moral for a good man to achieve high office under a bad emperor. In the *Agricola* Tacitus claims it was acceptable for great men to serve a bad (42.4). Burrus is just such an example; Tacitus speaks of his stern morality and virtue, even though he served Nero.⁷⁷ Tacitus also has a swipe at pointless self-martyrdom; he did not praise the actions of a Helvidius Priscus.⁷⁸ He recognizes that even under a bad system the moral man can do good whereas the immoral, such as Antistius Sosianus, could be calamitous to many (*Hist.* 4.44). But that is not to say that the good man accepts the regime or its moral code.

Tacitus also puts an interesting spin on the moral debate. Just as men were moral in the past, Tacitus has Maternus sarcastically attack the scruples of his contemporaries in the *Dialogus*. Maternus is arguing that oratory was greater when there was a need for it:

in the days when so many clever speakers could not let even a Scipio alone, or a Sulla, or a Pompeius. (*Dial.* 40.1)

The point is hidden; at the time of the *Dialogus* orators could not attack the emperor.⁷⁹ An attack on him in the senate house would seal the fate of the orator in question. Maternus can claim that oratory is a ‘foster child of licence, which foolish men call liberty’ (40.2) but his praise for states lacking in oratory, such as Crete, Sparta and Persia, is ironic (*Dial.* 40.3). Furthermore, he claims that the emperor who decides is the incarnation of wisdom (41.4). The emperor is also called a gracious judge (41). The point is clear; the emperors were far from that and it was unlikely a single man ever could be where a collective could use the best traits of individuals. It is an attack on the system itself, on the Principate.

Maternus, as depicted in the *Dialogus*, does not support the government or system; he shows its faults. Conversely Seneca publically defended it, saying that nature herself conceived the idea of king, as can be seen with bees and other creatures (*De Clem.* 1.19.2).

It is the virtue of the monarch that makes him king or tyrant. This was an old *topos* of Greek kingship texts and both Seneca and Dio of Prusa took it up again. And they lived under kings. When the Law was no check on the behaviour of the *princeps*, his moral character was the only hope. Dio of Prusa discussed the characteristics of the good ruler

in his *Kingship Orations*, written under Trajan. Looking for guidance to Greek history, he again cited the morals of the monarch as the key to good kingship. He uses the story of Herakles choosing kingship over tyranny (1.48–84), highlighting Domitian's tyranny and Trajan's kingship. Again, Imperial rule is never questioned.⁸⁰ Naturally, he highlights virtues that could be found under Trajan and are also prevalent in the *Panegyricus*, such as calling soldiers comrades and keeping the troops busy and calling the true king father and not master.⁸¹ By attacking the character of Domitian he shows the Principate is still a viable institution.⁸²

Although we should not forget that both Tacitus and Pliny prospered under Domitian, they both argued that good men could work within a Principate and under an immoral *princeps*. Where Seneca had argued that a moral *princeps* was good for the state, Tacitus agreed that a moral individual could do good work for the state even under a bad emperor.⁸³ In some ways, Pliny could be seen as the example of just such a man.⁸⁴ By Hadrian it was even acceptable to refer to monarchs with reference to the moral issue of how an emperor should behave. However, sitting uncomfortably next to these texts is Lucan, who fulminated against any virtue if it aided tyranny, and berated loyalty shown to a tyrant. The *Pharsalia* attacked Caesar as a tyrant and Lucan himself was embroiled in a conspiracy against Nero. Where some texts showed a trend of acceptance of the system during this period, and then attempt to create an Imperial ethics of how to interact within the system, the *Pharsalia* criticizes any involvement with it by attacking traditional virtues. For Lucan virtues are criminal if they help a Caesar. After more than a century of hereditary monarchy it was clear what the state of play was, even if the term *rex* was still avoided by more politically astute regimes. Arrian, in his *Anabasis of Alexander*, has Alexander the Great disagreeing with Anaxarchus that the 'acts of great kings should be held just' (4.9.7).⁸⁵ The great king himself did not see his position as legalizing anything he did; Arrian writes that Rome at the time of Alexander 'enjoyed freedom in the highest degree' and like 'no other people were so possessed by hatred of despotism and its very name' (7.15.6). Arrian seems to attack the view that the *princeps* is above reproach; just because an act is committed by the emperor does not make it inherently virtuous or correct. He may be beyond legal prosecution, but he is not beyond moral reproach. Plutarch's *Life of Alexander*, also reprimands Anaxarchus for telling Alexander he has conquered the right to rule and therefore was himself the Law just as Zeus has justice and Law on his side at all times (52.3). Both authors stress the morality of the ideal monarch. The texts of the first century AD therefore show a debate concerning morality and its relationship

with the leaders of the state.

Conclusion

The morality of the emperor, what it was and it should have been, was discussed in the texts of the first century AD. Clearly we can discern the ideological system of the Republic, the *mos maiorum*, at work. There were clearly clusters of moral values around what his contemporaries saw as the *mos maiorum*, and others around, for example, Greek monarchy. In a sense the emperors themselves created their own Imperial morality, albeit one that changed with the differing regimes. There was also a search by the wise for a morality based on reason, but more often than not this reason would be found in the *mos maiorum* or in philosophy, as opposed to the current Imperial moral code. The Imperial moral code would also change with each new emperor in question. Augustus had tried to enforce *virtus* and *pietas*, to encourage loyalty to the state (himself) and by legislation made it possible for the state to intervene into even family matters. Seneca cemented this Imperial ideology by praising the virtues of the *rex*; he tried to promote loyalty to Nero, not the *res publica*, by showing Nero's innocence and mercy. Under Trajan, Pliny claimed a return to the *res publica* due to the morality and deference to Law shown by the *princeps*; subjects should obey because the man in charge is moral. He advocated a revised collectivism dependent on the emperor and a Republican morality personified in the emperor. This could be seen as a reaction to the staunchly Imperial *De Clementia*. While the idea of the excellence of the emperor was promoted by literature, individual monarchs would promote various virtues accordingly.

The existence of a Republican moral ideology, the *mos maiorum*, was clearly of great importance during the first century AD. It was not a fixed or written code, but in a sense this made it much more dangerous, as whether an emperor followed it or not was open to interpretation; behaviour was therefore so vital in setting the tone for their regime. Whether an emperor chose to follow what he understood as the *mos maiorum*, and whether others' views of the *mos maiorum* were in line with his morality, had political ramifications. Similarly, individuals could make a political point with their own moral stance. The loyal Pliny went as far as claiming a return to the *res publica* on account of Trajan's morality and obedience to the Law. This must have been to quieten critics of the system. But where once the best for the state was seen to be in a communal morality, under the Principate it began more and more to lie in the individual, who could choose what to involve himself in, and when. When the collective morality

was enforced by an individual, it became problematic. Naturally the behaviour of that individual could exacerbate the problem. When individuals therefore felt the collective morality had become corrupted, they would search for moral certainties both in the *mos maiorum* and in reason. Republicanism became a source of moral certainty; it was absolute, as it was rooted in the past. Interestingly, it was interpreted not by the collective (as in the days of old) but by the wise or oppositional.

For Lucan, the individual must make an individual moral decision and not simply follow one's peers or the commands of the regime. The men who followed the trends and changing moral stances of the emperors for the most part probably did so for reasons of pure selfishness or survival. When one could argue that under the Republic the best men followed the moral code of their peers, under the Principate the best men followed their own morals based on reason or looked to those of the past *mos maiorum* and not those of the emperor. When once individuals were restrained by the morals of the community, such as Fabius Maximus laying down the dictatorship when ordered, under the Principate some sought to ignore the moral commands from above in order to show discontent with the regime.⁸⁶

In a system where it was hard to control the morality of the emperor, and where that man was above the Law and had no peers of equal standing, he would dictate whatever moral code he wished. It therefore became more and more up to the individual to decide whether this fitted in with his own sense of morality or not, and then how to react to it. Naturally if the emperor was perceived as immoral there was likely to be more moral dissidents. Against a backdrop of Republican communal morality there would always be an ideological battle between the emperor's moral stance and that of the idealized Republic – the *mos maiorum*. Following a moral code which was in contrast to that of the emperor, suggested that the emperor was not in keeping with the best interests of the state. It should be construed as a political act. This is precisely why the sources present us with individuals such as Thrasea Paetus and Barea Soranus being hated and prosecuted by the emperors due to their morality.⁸⁷ Moreover, the entire political system could ensure opposition as a collective morality (however acceptable) enforced by an individual smacked of tyranny.

Interestingly, even when both stances – the *mos maiorum* and the Imperial code – were practically identical, such as under Augustus, the way in which they were put into practice could be seen as unethical. Augustus used Law to enforce his moral reform; Domitian insisted on harsh penalties for those who went against his strict moral code. As the emperor became the state, morality started less and less to stem from the values of the state for the high minded, and came more and

more to be rooted in the individual and the memory of the Republic and *mos maiorum*.

The texts of the first century AD show a debate about both the emperor's position with regard to Law and his moral code. Using the texts as monuments, as advocated by Foucault, we can see the first century AD consisted of a discussion and debate over morality with regard to the power relations of the period. The morality of the emperor, the moral code of his regime, was political; the *mos maiorum* were still in circulation and used to evaluate the leader of the state. Such a debate, with the differences between the Republic and Principate becoming more obvious over the period, and with certain emperors' morality seeming a far cry from a Cato, was politically charged. The debate over such issues makes sense of the opposition throughout the discourse of the period that we have seen, and gives the political backdrop to the events of the day discussed in Chapters 1 and 2. The Republic meant rather a lot throughout the first century as its key concepts, such as Law and the *mos maiorum*, were debated. Emperors who ignored the Republican moral code, the *mos maiorum*, and the Law (as the cornerstone of the state) could cause opposition. It seems perfectly acceptable to call such beliefs, and such opposition, Republicanism.

As various Imperial regimes continued to push forward with various moral codes, concentrating on loyalty, there was still an ever present struggle between the memory of the Republic and its code of conduct with that of new Imperial ideologies which resulted in tension and continued throughout this period. Because of the debate surrounding morality, and from where the individual should pull his examples, and because of the changing legal situation of the Principate, the behaviour of the emperor would highlight the leaders' views on these vital themes. It is to the behaviour of the emperors that we now turn.

Chapter 5

Behaviour

Introduction

The behaviour of those who govern determines the nature of a nation. The written laws and the unwritten code of conduct naturally affect how the political elite act, but they do not control their every move. As Aristotle pointed out, good laws, if not obeyed, will not constitute good government.¹ The whole ‘constitution’ of the Republic was set up to ensure proper behaviour; two consuls were appointed to prevent men becoming too arrogant and ambitious through unlimited individual power (*Cat.* 6.7).

The Romans believed that the behaviour of individuals in power needed to be restrained.² Whereas morality is normally a matter of conscience and thus hidden, behaviour is the tangible proof of that morality. Behaviour was a key aspect of government and, clearly, when power was passed into the hands of one man the attention of all would focus on his behaviour. As Takács has shown, the emperor was the embodiment of virtues and acted as living discourse (2001, 8). Therefore his behaviour was indicative of his morality and his political ideology and would continuously be evaluated in relation to the *mos maiorum* and, indeed, other emperors. An individual’s behaviour would be a public display of morality and would advertise the individual’s conception of the place of Law in society. The behaviour of a senator, tribune or consul could mark them out as loyal to the ideals of the Republic and this association of political ideology and behavioural patterns crossed the great historical division between Republic and Principate. During the Principate, Republican behaviour – based on the *mos maiorum* – could be viewed by the establishment as oppositional. We have already seen the attacks made against Thrasea Paetus based on his behaviour.³ The behaviour of the emperor would naturally also be studied by his subjects. Although some might be more interested in his favourite racing team, others would be seeking to discern his political ideology and his reverence, or lack of it, for traditional Republican values. This chapter will look at the behaviour of the emperor himself, comparing it to the contemporary

understandings of the normative behaviour of the ruling class of the Republic. Naturally such normative behaviour is itself a construct of the discourse of the first century AD. But the conception of good behaviour during the Republic – a Republican behavioural code, like the *mos maiorum* – would continue to be used as a tool of evaluation. We have already seen the extensive oppositional behaviour of the elite and the intense political importance of both Law and morality to the Romans of the first century; it is now necessary to investigate Imperial behaviours and their discussion within the texts and discourses of the period. It is clear that the texts of the period do discuss the political ramifications of morality and the position of the Law within the Principate. This section will argue that on a much smaller scale the *mos maiorum* also set the backdrop for acceptable behaviour; the emperor's everyday actions could therefore have a political consequence. The daily routine of the *princeps* could indeed mark him out as following the precedents set by the great men of the Republic or, of casting aside their example, which in turn set the tone for the regime and had a political consequence.

Republican Behaviours

Writers of the Republic such as Livy, Sallust and Cicero were clear on what constituted correct behaviour for good Romans. This behaviour was the outward manifestation of a morality which put the state before the individual, and the focus is thus political. There were complex cases when duties to the state might clash, and in such cases the individual was expected to show deference to the collective, which was manifest through senatorial decrees and Law. Thus, when acting in the name of Rome, it was necessary to follow the Law and customs in every respect. Quintus Fabius was even indicted for fighting Gauls when he was an envoy, and so violating the Law of nations, despite the fact he was acting in self-defence and in the defence of Etruria against invasions (Livy 6.1). Here, the decision between two contrasting courses which would benefit the state should have been made so as to follow the Law, even if, in this case, it was probably an unwritten Law. Livy attacks even Camillus for putting glory above his country by loitering at Veii instead of returning to save Rome (5.30). The state should surpass even family ties. Plutarch recounts the example of Fabius Maximus who commended his son who, when consul, demanded his father dismount when approaching him, an action which seemingly failed to reflect the respect due to a father or the close personal relationship of the two (Plut. *Vit. Fab. Max.* 24).

Cicero's *De Re Publica*, written during the final period of crisis of the

Republic, opens with the assertion that all good men should involve themselves in politics, even if this endangers them, because such actions aid one's fellow citizens (1.1).⁴ The most depraved state for Cicero is that which is based on wealth and where the rich are deemed the best men (1.34). Attacking Tiberius Gracchus for violating the rights of Latins he writes:

If this habit of lawlessness begins to spread and changes our rule from one of justice to one of force, so that those who up to the present have obeyed us willingly are held faithful by fear alone, though our own generation has perhaps been vigilant enough to be safe, yet I am anxious for our descendants and for the permanent stability of our *res publica*, which might live on for ever if the principles and customs of our ancestors were maintained. (*De Re Publica* 3.29)

Justice, not fear, should ensure rule. And this would be done by following traditional Roman Republican behaviours. Regardless of where the Law stood, the good Republican must act in a certain way and his behaviour could ensure the survival of the Republic.⁵

Similarly, when a state has lost its freedom of debate, and is under the control of a faction, it is no longer a Republic, a *res publica* (3.32). In conclusion Cicero quotes Ennius:

The state of Rome was founded firm
On ancient customs and men of might. (*De Re Publica* 5.1)⁶

Cicero laments the loss of such customs and admits:

For it is through our own faults, not by any accident, that we retain only the form of the *res publica*, but have long since lost its substance. (*De Re Publica* 5.1)

Writing during a period of immense political unrest and when the absence of various Republican ideals was keenly felt, Cicero attempts to remind his peers how the Republican should behave and what made the Republic great; it was easy to find examples of behaviour that broke with the Republic's *mos maiorum*. For Cicero, behaviour became the only possible vestige of true Republicanism, and subservience to the collective was all important. The Law had been perverted and so could no longer be a guide for the 'good' Roman. Instead, the 'good' Roman of the Republic should commit himself to the collective through his behaviour. Cicero therefore wrote that the Law of a tyrant was not legal and that bad statutes had no legal force whatsoever.⁷ Decades later this would be echoed by Tacitus, who also

points out the importance of why laws were passed, explaining that the Twelve Tables were the last equitable laws, and after that all legislation was a result of self-interest, ambition and jealousy (*Ann.* 3.27–8). For Cicero, one's duty was to the *res publica*, to which one must give oneself entirely (*De Leg.* 2.2).

Cicero's *De Legibus* tried to defend many of the old Republican laws that had fallen into abeyance; no one should hold a second office unless a period of ten years had passed; the strict age regulation of the magistracies should be maintained; a dictatorship, he added, should only be held for six months and only during a time of war (3.3). He also subscribed to the Republican *mos maiorum*; senators should be free from vice (3.13–13). For Cicero, such customs even had the binding force of laws (2.23–4), although men who had obeyed laws were well placed to lead later on (3.2). A strict, regulated *cursus honorum* was essential to the Republic, but this could only be maintained if men behaved themselves and did not try to abuse the legal system to enhance their career and override customs and traditions.

In the Republic good behaviour meant subservience to the state. Such an accepted principle can be seen throughout the Republic and it went far beyond the laws and 'constitutionalism'. As the Principate came into being, such subservience to the state meant obeisance to one man. From the very beginnings of the Principate, that authority was represented in moral terms, ideas which were reflected in an emphasis on behaviour. In January AD 27, in the light of his actions in returning the Republic to the dominion of the senate and people of Rome, Augustus was granted a golden shield in the senate house which highlighted four virtues; courage, clemency, justice and piety (*RG* 34.2).

The choice of virtues is interesting. They are all traditional virtues of the Republic, and this ties in with his attempts to show political continuity. Where Cicero had proposed that the true Republican must behave in a certain way because the laws had become corrupt, Augustus is claiming to have demonstrated such Republican behavioural traits on account of his restoration of the Republic. Of course, this restoration was and is deeply contentious. Augustus' claim to be demonstrating traditional virtues could be (in an opposite but equally tendentious move) seen in itself as a restoration of the Republic. The values of Republicanism therefore could become behavioural and the *princeps* could attempt to annex them. The virtuous emperor can then claim that loyalty to the emperor is loyalty to the values of the Republic and hence to Rome. In this situation, behaviour was a crucial element in representing the *princeps* and his relationship to the traditional political order. Any breach from

traditional behaviours would risk being reported as an obvious demonstration of the non-restoration of the Republic, of the Principate as a breach with the past, and that the emperor was not a Republican *princeps* but a monarchic tyrant. The behaviour of the emperor risked making obvious the differences of the Republic and the Principate.⁸

Below is a thematic discussion of behaviour, looking at various virtues and vices and the various receptions of the leading men of the Republic and the emperors of the Principate. It should become clear that there was indeed a Republican mode of behaviour that continued into the Principate and could even be followed by the emperor himself. However, this did not mean all emperors were keen to do so; various Imperial ideologies with divergent patterns of behaviour came to the fore. The following aspects of behaviour are drawn from those highlighted in the sources, such as piety and justice from the *Res Gestae*, and traits emphasized in the *Panegyricus*, such as accessibility and consultation of the senate. By searching for the debate in the discourse of the period we can see a series of ruptures between what was perceived as the correct behaviour by some of the elite, in line with the Republican *mos maiorum*, and what was seen as inappropriate and even un-Roman.

Consultation

In theory and ideology, the Republic had been a collective of citizens. Government was by and for the citizens; they were consulted through various assemblies as to the governance of the city. Considerable executive power, *potestas*, was vested in the magistrates, though this was limited by the powers of other magistrates and, ultimately, by Law. Further, the senate operated as a consultative body and as such both moderated the executive power of the magistrates through peer pressure and enhanced the legitimacy of magisterial acts through the approbation of the peer group. Once the kings had been expelled, the senate served as a collective repository of wisdom, experience and prestige. As the assembly of the leading men in the state, it was also a concentration of the most politically powerful. When in office, a magistrate was obliged to take advice from the senate, and indeed expected to adhere to that advice.⁹ Going against the advice of one's elders and peers in the senate could be construed as going against the Republic, though such actions were not illegal.¹⁰ Ignoring the senate could be seen as dictatorial as it showed a lack of respect for the senators. Cicero fulminated against Mark Antony's lack of respect for the senate, calling it the *consilium* of the world (*Philippics* 4.6).

In the Republic the senate was seen at least by some as the *consilium*

of the world. Ideal Roman leaders were depicted as consulting the senate and presented as servants of the collective: once Camillus had taken Veii in 395 BC, he sent a messenger to the senate to ask what he was to do with it, showing that even a dictator should ask the senate's opinion during a campaign, and accept that advice as if it was an order (Livy 5.20). At the end of a magistrate's term of office he was open to attack in the law courts; he had to give account of himself and if he had disregarded senatorial advice political enemies among the senators could prosecute with confidence.

The political crisis of the Late Republic saw a reduction in respect for the advice of the senate. The senate was presented as partial and perhaps corrupt and this excused obvious refusals to abide by its decisions, such as Caesar's refusal to lay down his command in 49 BC. Yet, when an individual refused to subsume his political judgement to the collective, he was making a bold claim – that he was somehow better than the collective. The perpetrator could explain action against the senate as due to its corruption by a faction (like Augustus) or, say, due to an offence against his *dignitas* (like Julius Caesar) but ultimately he was seen to be putting himself above the collective by not listening to and obeying advice.¹¹ Elevating oneself above the collective could be seen either as signifying that there was something very wrong in the collective (and that Rome was in need of radical reform) or that an individual was somehow outside the collective (morally, intellectually, or religiously) and was thus a short step from tyranny. Reversing this behaviour by honouring the senate was a sign that the prominent individual did not wish to elevate himself above the collective of which he was a member and that the state of Rome was healthy. Thus Camillus' decision to refer the issue of Veii to the senate could be seen as a move not only to ensure that the right decision was made, but to protect himself from any accusation of over-ambition. Political and military leaders who wished to distinguish themselves and achieve personal glory inevitably had to balance the demands and fears of the collective against legitimate individual ambition.

The advent of the Principate changed the relationship between the senate and the leading magistrate. Probably the most important structural change was that office was no longer resigned; there was no sense that the emperor would return to the ranks of the senate and rarely a sense that he had emerged from the senators.¹² Alongside this structural change was an ideological change. The emperor neither owed his appointment to alliances of senators nor was he likely to see himself as a lesser man to the experienced senators who advised him. A shift towards a hereditary monarchy after Tiberius was likely to further distance the emperor from the senators, meaning that senators

and emperors had different sources of prestige. It would seem unlikely that a request from the senate would be given the force of an order by the later Julio-Claudians. However, emperors would still need advice on issues with which they were either unfamiliar or uncertain. Furthermore, the very act of consultation remained charged with political symbolism. Whether an emperor consulted the senate or not would play a large part in whether he was able to place himself within the Republican tradition of political leadership. An emperor who did not consult the senate but instead relied upon an inner council of personal friends, particularly freedmen, would upset those who wished to have a hand in government and thought their senatorial rank should ensure this. The emperors were thus faced with an interesting position: they had political authority on perhaps a somewhat unclear basis and were faced with a senate who had a rival claim on authority sufficient to express desires which could be taken as having the force of instructions; and yet to ignore or go against those senators or not be seen to consult them would endanger Imperial power by making it seem tyrannous.

Tiberius, at the outset of his reign, went out of his way to be seen to consult the senate on a number of different issues.¹³ The Tacitean rendition of Tiberius' reign centres on set-piece senatorial debates. Naturally the senate was the arena in which the relationships and tensions between emperor and the traditional aristocracy were played out. Such tensions were obvious from Tiberius' first involvement with the senate as emperor – the accession debate. This saw Tiberius' dithering over whether to accept the rule of the Empire. Tacitus' account of the whole exchange between the senate and Tiberius on his accession is constructed to show Tiberius as a cynical dissimulator, particularly when he has to answer the question of Asinius Gallus on what part of the Empire he would like; Tiberius claimed he wished none of it but would not refuse whatever the senate offered him.¹⁴ Gallus' days were numbered from this point on, according to Tacitus (*Ann.*1.11–14).¹⁵ However, Shotter has shown that Tacitus focuses too much on Tiberius' interpretation of this, and not Gallus' real intentions (1971, 448). Tacitus' account of Tiberius is certainly one where Tiberius' cruel character is given pride of place. Tacitus gives to a 'contemporary Roman' the opinion that Tiberius was playing with the senate and the people, who were powerless to do anything in return (*Tac. Ann.*1.46).¹⁶

Tacitus makes Tiberius' behaviour look like a complicated trap in order to discover potential enemies – hence the animosity towards Gallus. Yet, there were more pragmatic concerns for Tiberius in AD 14; as Alston has argued, the position and loyalty of the legions both on the Rhine and the Danube was far from certain and Tiberius

needed all the support he could get. Moreover, there was no *lex de imperio* by which to ensure a smooth handover of power. Tiberius had, after all, been born during the Republic and was the first to inherit the Imperial position. Debate in the senate was not yet completely dead and buried. Tacitus, writing after all the Julio-Claudians and after Domitian, knew what was to happen to free debate in the senate house after the reign of Tiberius.¹⁷ The debate is likely therefore to have been rather more real than is made out in the sources.¹⁸

The accession debate, though mocked, showed Tiberius in consultation over a period of days with the senate.¹⁹ Coming at the start of his reign, he was laying down a marker. This approach continued into his reign. In the first two books of Tacitus alone, the senate discussed, among other things, the riots due to performances (*Ann.* 1.77); whether the course of the River Tiber should be altered (*Ann.* 1.79); a resolution to expel astrologers (*Ann.* 2.32); extravagance and how to curb it (*Ann.* 2.33). Tiberius consulted them on what to do about certain problems in the East and the candidates for a praetorship made vacant by the death of Vipstanus Gallus (*Ann.* 2.51). They also discussed how to curb female profligacy (*Ann.* 2.85). Levick draws an interesting comparison between Augustus' rebuilding of Tralles in Spain on his own initiative and Tiberius' use of senatorial powers to aid the Asian cities after the earthquake they experienced; the senate decided where, for example, the temple to Tiberius, Livia and the senate would be placed, choosing Smyrna.²⁰ All this points to an emperor who allowed the senate some free debate and consulted them even on foreign policy issues.²¹ Even Tacitus praises this (*Ann.* 3.60). Tiberius does seem to have tried to preserve at least the appearance of the traditional dignity of the senate and free debate. He attended meetings and referred matters to the senate continually during the first few years of his reign.

Naturally, it was not just whether the senate was consulted, but whether their opinions were listened to that counted and in what circumstances they gave their views. Consultation can only work when individuals are confident that their expressions of opinion would have no 'unintended consequence', and this is, of course, the force of the Gallus problem in the accession debate: an expression of a view that might cause offence to the emperor could result not just in political disfavour, but in death. The increasing sycophancy of some of the senators undermined any sense of 'real' consultation, which can be seen in the number of times the senate discussed honours for the emperor, such as when they proposed the title *pater patriae* for Tiberius (*Tac. Ann.* 2.87). The senators are depicted in Tacitus as lacking the confidence to make a forceful contribution to the business of political debate. As a consequence, when left to their own devices,

there was a tendency for inactivity. Knowing that Tiberius was to be absent from Rome the senate discussed an adjournment of official business; though Piso claimed business should continue, Gallus argued for adjournment and won. Tiberius sat in silence throughout the debate (Tac. *Ann.* 2.35).²²

This debate shows a split between a Republican sentiment (that business should continue), and a more Imperial view (that the emperor must be present in order to lend authority to the senate). Piso, an intimate of Tiberius, proposed the Republican stance whereas Gallus, a friend of Germanicus, assumed that Tiberius had power and that the senate was impotent without him.²³

Nevertheless, and in spite of the pessimism of the Tacitean account, it seems that senators did not fear for their lives if they disagreed with Tiberius at the beginning of his reign; this would change over time and under other emperors. There was debate, though Tiberius could involve himself at any stage, knowing that his words would carry the day; when the senate had all but sided with the impoverished senator Marcus Hortalus that he should be given state funds on account of his family, which he reared in accord with Augustan orders, Tiberius spoke against the man. Once he saw how unpopular this was, he added that he would, if the senate agreed, give the man's sons 200,000 sesterces each (Tac. *Ann.* 2.38). In this case, we have Tiberius reacting to opposition in the senate by modifying his position, a clear example of appropriate consultation, though Tacitus, inevitably, uses it as an example of Tiberian anger and lack of sympathy with senators. In a similar vein, Tiberius countered the motion of Gallus that elections should determine appointments for a whole five years instead of one (*Ann.* 2.36). Once he had countered a motion, it was unlikely to be passed, but the fact that he countered a bill that came from the senate shows him operating through senatorial channels. There was debate, and he listened to proposals, even mischievous ones in a manner that would have surprised someone familiar with the senate under Domitian, where supposedly most bills were ones of Imperial praise.²⁴ When the senate acted hastily in the *maiestas* trial of Priscus and executed him while Tiberius was away, the emperor brought in a rule that there had to be a statutory ten-day interval between trial and execution; this way he could watch over such acts (*Ann.* 3.36). However, it is no surprise that when the senate had serious issues to deal with such as the distribution of provinces when Servius Malaginisensis demanded Asia, they decided to wait for Tiberius to make a decision (*Ann.* 3.58–9). On key questions, which involved the handing over of *imperium* to an individual, the senate did not feel sufficiently empowered. They had more confidence in investigating issues such as sacred sites throughout the Empire which were unlikely

to provoke controversy or antagonise the emperor (*Ann.* 2.62–3).

For all this, Tiberius allowed the senate to meet; he referred matters to them, such as the case of the sleepwalking murderer of Apronia (*Ann.* 4.22); he listened to their advice, even if he did not accept it. In AD 21 we see a debate about pro-magistrates taking their wives to the provinces, which had been the practice of the Imperial princes (and the proposed law may, in fact, have been aimed at the activities of Imperial wives). This law was only defeated by Drusus' praise of his own wife. However, three years later, when one might presume that the Imperial family's views were unchanged, the perceived problem was approached in a different way and the senate did indeed initiate a *senatus consultum* to ensure that responsibility for the actions of a wife lay with her husband (*Tac. Ann.* 3.33; 4.20).²⁵ Tacitus offers the following explanation:

First, then, public affairs – together with private affairs of exceptional moment – were treated in the senate, and discussion was free to the leading members, their lapses into subservience being checked by the sovereign himself. (*Ann.* 4.6)

Despite the Tacitean irony, there is an appreciation of the fact the senate regularly met to discuss meaningful business. He continues to explain that the offices still had prestige, even the praetorship, and that the powers of even the minor magistracies were exercised (*Ann.* 4.6).

Dio also portrays Tiberius as a sinister character; 'he never let what he desired appear in his conversation, and what he said he wanted he usually did not desire at all' (57.1.1). Moreover, 'he thought it bad policy for the sovereign to reveal his thoughts' (57.1.3). Dio suggests the reality behind the accession debate was that 'he was administering in reality all the business of the Empire while declaring that he did not want it at all' (57.2.3). Thus, 'when no further news of any rebellious moves came and the whole Roman world had acquiesced securely in his leadership, Tiberius accepted the rule without further dissimulation' (57.7.1). Clearly Dio sees the man as disingenuous and hypocritical and this perception was maintained in his accounts of senatorial debates. Dio is at pains to compare Augustus with Tiberius over this; 'after setting down his own opinion [Augustus] not only granted everyone full liberty to speak against it, but even when, as sometimes happened, others voted in opposition to him, he submitted' (57.7.3). On the other hand, Tiberius 'would sometimes remain silent and sometimes give his opinion first, or after a few others, or even last; in some case would speak his mind directly, but generally in order to avoid appearing to take away their freedom of speech, he would say: 'if I had been giving my views, I should have proposed this

or that'. This method was just as effective [in securing the wishes of the *princeps*] as the other and yet the rest were not thereby prevented from stating their views' (57.7.4–5). Dio claims that Tiberius controlled the state while pretending he did not want to, but does also note that Tiberius went out of his way to get the views of senate on most issues (57.7). Suetonius also sees in the referral of issues to the senate a dissemblance, but still attests the ordinary processes of Law in some cases (*Tib.* 30, 31). Some African envoys even approached the senate to complain that Tiberius was too slow in deciding their case (*Tib.* 31). It is probably fair to assume that these writers' later experiences informed their incredulity at any emperor other than Augustus promoting debate. Yet, there is plenty of evidence that debate was relatively open. Suetonius tells us that the senate even once went against Tiberius' desire to let Trebia use a legacy to build a theatre (*Suet.* 31).²⁶ Tacitus even suggests Tiberius felt so insulted in AD 25 and that made him re-think his attendance of debates in the senate.²⁷ However, Tiberius' retirement to Capri, the growth in power of Sejanus and the resultant carnage, followed by his fall and a further bloodbath, must have changed the atmosphere.

That consultation occurred was well and good, but if the participants were not genuine in their views and were guessing which opinion it would be most advantageous to give or were scared of speaking out, debate would be almost pointless. This is precisely what Tacitus infers – that Tiberius would remember the opinions of each man, harbour resentment and act upon it later.²⁸ As the senators came to believe this, they became more obsequious and disingenuous. The rise of Sejanus also ensured a decline in real consultation. The consultation of the early years faded away.²⁹ The retirement of Tiberius to Capri in AD 26 hampered consultation for obvious practical reasons. In many ways the state then became a *res privata* (not a *res publica*) as Tiberius had total control from his island retreat. By AD 35 when there was trouble with Parthia, Tacitus makes no mention of the senate in his description of what happened. Such tendencies had already been displayed over the lack of consultation during the Florus and Sacrovir revolt (*Tac. Ann.* 3.47).³⁰

Beyond the reign of Tiberius, Tacitus gives very few reports of senatorial debates and consultation. The reign of Claudius saw debate in the Imperial council (not the senate) over whether citizens of Gallia Comata should be allowed to hold magistracies in Rome; Claudius decided the issue and read a speech in the senate house explaining his decision (*Ann.* 11.23–5). The Claudian senate also listened to Parthian envoys suing for the return of Meherdates, but Claudius replied (*Ann.* 12.10); the senate voted honours to Ostorius for the capture of Caratacus in the usual obsequious style (*Ann.* 12.38); they listened to

a motion by Claudius to penalize women who married slaves and they offered Pallas 15 million sesterces and praetorian insignia (*Ann.* 12.53); they listened to the Byzantians request for relief from their burdens and Claudius' reply (*Ann.* 12.62–3); they convened when Claudius was ill and about to die (*Ann.* 12.48). Dio also has the house discuss the subjection of Lycia in AD 43 (60.17). The senate was involved in listening to foreign envoys or listening to motions, but there is little evidence of debate.³¹ Claudius was also infamous for using his retinue as his *consilium*.³² Compared to Tiberius, there is little of real substance here.³³ Even if Tacitus is under-reporting such consultations, he is presenting the real political decisions as going on elsewhere.

Tacitus' account of the reign of Nero shows little improvement. At Nero's accession he gave a speech to the house about senators retaining their old prerogatives and Tacitus does say that many regulations were framed by the senate, though these are certainly difficult to find in the sources (*Ann.* 13.3–5). There was little reported consultation on the Parthian problems and the senate's addresses smack of sycophancy (*Ann.* 13.8). Nero did 'apply' to the senate for a statue of his dead father Gnaeus Domitius and for consular decorations for Asconius Labeo, his guardian, but there was little consultation on such an issue (13.10). When the senate discussed the iniquities of freedmen they decided the previous owner should have the right to cancel emancipation, but the consuls were not bold enough to put forward the motion without Nero present (*Ann.* 13.26). Nero disagreed; he felt each case should be reviewed individually (*Ann.* 13.27). Although Tacitus does mockingly admit:

There remained none the less some shadow of the *res publica*. For a dispute arose between the praetor Viballius and the plebeian tribune Antistius. (*Ann.* 13.28)

It was over the tribune's order to release some disorderly claqueurs from prison who had been sent there by the praetor. The senate took offence at the tribune and from that point on tribunes were forbidden to encroach on the jurisdiction of praetors and consuls. Another well-known debate is made infamous by Tacitus. Thrasea Paetus argued against Syracuse being allowed more than the usual number of gladiators (*Ann.* 13.49).³⁴ Nero later had Thrasea accused of not taking his position seriously in not attending the senate, though Nero himself rarely attended.³⁵ Even the death of Agrippina caused the senate simply to suggest honours for Nero and that her birthday be turned into an inauspicious day (*Ann.* 14.11–12). Such a reaction prompted Thrasea Paetus to walk out of the senate house in disgust. Nero had chosen to announce the 'revolt' by letter and not in person.

Later, the senate did discuss what punishment to give the household slaves of the murdered Pedanius Secundus; it is not clear that Nero was present, although he later vetoed a measure to deport the freedmen of the house (*Ann.* 14.42–5). The picture in Tacitus is clear; Tiberius' early reign is full of debate, even if these debates were often mocked for their hypocrisy.³⁶ Yet, Tacitus' portrayal of Claudius and Nero is different. The senate met, but their debates get less space in Tacitus than those under Tiberius, and one can only conclude that Tacitus, or possibly his sources, regarded these debates as being of lesser importance. Put simply, the emperor most obsessed with appearing Republican is shown as having consulted the senate most.

The senate continued its legislative, religious, diplomatic and judicial functions.³⁷ Some Imperial policy was still debated in the senate, and the *senatus consulta* were given the force of Law.³⁸ The difference from the Republic lay in the fact that the emperor could either join the debate or treat the senate as an unfortunate and anachronistic formality. Several emperors clearly prepared business in the senate before proposing a measure; Talbert lists Octavian's offer to lay down power in 27 BC (Dio 53.2.7); Tiberius' action to capture Sejanus in the senate in AD 31 (58.9.3, 13.1); the arrangement for Tiberius' will to be declared null and void on the accession of Caligula (59.1.2); the proposal for Claudius to marry Agrippina and for Nero to marry Acte.³⁹ The senate continued to be used, but how it was used mattered.

Galba discussed adoption candidates not with the senate but with an Imperial *comitia* (Tac. *Hist.* 1.14). There was, however, a debate in the senate as to who should be sent as envoy to the German legions (*Hist.* 1.19). Vitellius, we are told, frequently came to the senate, even on trivial matters, and when Helvidius Priscus once countered his view, he merely called on the tribunes of the people to support his authority and later claimed a difference of opinion was a good thing (Tac. *Hist.* 2.91). There seem to have been some meaningful debates in the senate under Vespasian, one of which became a discussion over the succession (Suet. *Vesp.* 25; Dio 65.12.1). Vespasian did push business through the body, using *senatus consulta*.⁴⁰ Suetonius even claims that Domitian procured a guilty verdict at a trial so that he could veto it and posterity would know that he had been present in the senate on that day (Suet. *Dom.* 11). Although some emperors did attempt to allow the senate power of decision in some cases, this is not a convincing list of senatorial debate and activity, nor does it show that 'real' consultation of the senators took place in the senate later than the reign of Tiberius. However, different types of source material will provide different types of evidence. Pliny, for example, gives several examples of Trajan being in the senate: notably to hear

the *Panegyricus*, and further to hear Pliny prosecute on charges of corruption.⁴¹ Although being a panegyric, this is perhaps no surprise. The point is consultation is a key element of his positive representation of Trajan. The value of looking at Tacitus and Dio, therefore, is that one would expect an internal consistency that would reflect at least impressions of the importance of senatorial debate in the various reigns. And they both attack the drop in senatorial debates after the reign of Tiberius.⁴²

It was, however, not just through the senate that the emperor could consult. He could also use the *consilium principis*, originally invented by Augustus to prepare motions for the senate.⁴³ It was composed, according to Dio, of the consuls and 'one of each of the other kinds of officials, and 15 men chosen by lot from the remainder of the senatorial body' (53.21.4-5). This was an official group of respected senators, some of whom were in office, and was used to discuss matters before the senate. Senatorial committees were common during the Republic and in, for example, legal cases magistrates could be told to hold a special *cognitio* and given a *consilium* by the senate, as Crook has shown.⁴⁴ But Augustus made a 'constitutional' change by forming a probouleutic *consilium*.⁴⁵ As the consuls were in it, Augustus could both sound them out over policy and they could suggest bills to him. Crook actually sees this as a safeguard of the 'constitution' for the senators.⁴⁶ However Augustus' reasons for its creation may have been quite different. As the senate met only about twice a month the *consilium* would be invaluable in prioritizing business.⁴⁷ Reorganized in AD13, it came to have more powerful members in it, such as Tiberius, his son Drusus, and Germanicus (Dio 56.28). This not only gave the body more control, but amalgamated it with the friends of the emperor that Augustus had previously used for unofficial advice.⁴⁸ Crook's claim that this move would not have meant that the senate lost control is surely naive. Real debate would now go on in private.⁴⁹ Its composition was at the whim of the emperor and it empowered his friends. By setting up an official *consilium* he could sew up business before it reached the senate, and so he was actually taking authority away from the order, albeit by means of an official body.

Tiberius abolished the official *consilium principis*.⁵⁰ He also ended the annual change of membership, and by doing so killed it as a senatorial committee, making it simply a handpicked group of advisors.⁵¹ This meant that the *consilium* was turned from an official into an unofficial body. Tiberius may have been trying to restore power to the senate and this could be seen as part of the reinforcement of the Republicanism of his regime but, as Crook argues, the Augustan *consilium principis* in some ways operated as a way of raising issues, offering opinions and actually preparing the

ground for meaningful consultation.⁵² Tiberius, by losing this pre-senatorial committee, lost a means of avoiding embarrassing situations, preparing and revising proposals so that a consensus could be developed, and was forced into consultations in open political environments. Inevitably, stakes were considerably higher in the senatorial debate than in the *consilium* and hence Tiberius would often be engaged in debate when a decision was already made, and risked involvement in the trivial, which would only serve to diminish his *auctoritas*, all in the cause of being seen to be more Republican.⁵³ Hence his ill-considered attack on impoverished senators, that was not well received (*Ann.* 2.38); his furious outburst at the rumours spread by Granius Marcellus (*Ann.* 1.74); and the ‘phantoms of liberty’ debates during which Tiberius remained silent (*Ann.* 1.77).

Regardless of whether it was official or not, the *consilium* of the emperor and to whom the emperor turned for advice sent out an important message. It could be as small or as large as he wished, and the emperor could adlect or expel anyone he chose, whether slave, freedman or actor. Tiberius, when on Capri, relied on Sejanus. After this there was no sign of the circle of great men he had spoken to earlier in the reign, such as Cocceius Nerva or Gnaeus Piso; he is depicted in the sources as being alone (*Tac. Ann.* 4.57).⁵⁴ Caligula and Claudius supposedly often turned to their freedmen for advice or even to their wives.⁵⁵ Even though Claudius had someone like Vitellius (the consul of AD 34) in his circle, the sources focus on his use of women and freedmen since consultation of such people was against the traditions of the Republic.⁵⁶ Juvenal satirises the *consilium principis* of Domitian in Satire 4. The *consilium* is called together and all attend, pale with fear. Of one advisor, Q. Vibius Crispus, Juvenal asks,

Who would have been a more useful companion to the ruler of seas, lands, and peoples, had he only been allowed, under that plague and disaster, to condemn his cruelty and offer honourable advice? (4.83–6)

The members are scared that they could be executed at any moment if they incur the displeasure of Domitian; ‘best play safe, stick to the weather’ one of them thinks. Similarly,

So [Crispus] never swam against the flood; he was not the kind of citizen who could speak his mind’s thoughts freely and risk his life for the truth. That’s how he managed to see many winters and his eightieth summer. He was protected by this armour even in that court. (4.89–93)

The dilemma of serving on the emperor’s council is obvious; if an

individual disagreed with an emperor then hiding one's opinion was wise. The members of the *consilium* are then individually mocked by Juvenal for their part in the subservient sham, which is caused by informers such as Pompeius who, Juvenal claims, could slit men's throats with a tiny whisper (4.110–11). Here the emperor has treated the aristocracy so badly that his council fear a meeting with him; the sinister question he poses at the end over what to do with the fish draws obvious parallels; Domitian asks 'what then is your recommendation? Is it to be cut up?' (4.130–1).

The Principate did not require debate in the senate house to function, and certain emperors lost interest in such activities and looked to a council of trusted individuals, irrespective of status, for advice on important issues, leaving the senate to discuss the trivial. However, emperors who consulted or informed the senate were appreciated. Pliny speaks of the collegiality of the *princeps* and calls Trajan 'one of us' (*Pan.* 63–77), precisely because Trajan consulted the senate and followed certain customs such as attending his first *renuntiatio* and swearing the oath on the first day of January, AD100, when he took office. Such behaviour was to act like a senator. Pliny's ideal of liberty was to be ruled by such an emperor (*Pan.* 66.2–4). The behaviour of Trajan, therefore, is Republican partly because he consulted the right people in the right way. Conversely, on Titus' death, Domitian rushed to give the praetorians a donative, but did not go to the senate house (Suet. *Tit.*11).

When the emperor disposed of an aristocratic *consilium*, and looked to others for advice, senatorial circles became restive. Caligula and Nero are slated for being accompanied by actors, gladiators and performers of various descriptions (Suet. *Cal.* 55; *Ner.* 30). Claudius is portrayed as being under the influence of Pallas et al. (Suet. *Claud.* 28). In these cases there is consultation, but of the wrong type of people. Regardless of legal or 'constitutional' form, the behaviour of the man at the top in terms of whom he sought advice from was of immense political importance.⁵⁷ It signified whether he was leaning towards a Republican or more autocratic policy and that mattered to the senate. It is easy to see, from this one piece of form, how political the everyday behaviour of the emperors actually was. With the detailed sophistication of the *mos maiorum*, or at least with what it meant in the minds of the Romans of the first century, even an issue such as who the emperor consulted, where he did it and when, would set a tone for his regime. With the texts' discussion of the correct morals of an emperor and his position with regard to Law as a backdrop, it is no surprise that his behaviour was also under scrutiny. The leaders of the Republic consulted the senate. Tyrants did not. But consultation was not the only such issue that could be read politically.

Accessibility

Theoretically the Republic had been a collective. Despite affiliations and political groupings, aristocrats ultimately had access to one another. Even the Caesars and Pompeys of the Late Republic went to the forum and conducted debates in the senate. Social events were used for political ends. Dinner parties and other social engagements supplied a host of ways to meet the ruling elite and leading men in the state seem to have normally had an 'open house' to which visitors would regularly come to pay respects and conduct business.⁵⁸ The Republic was based on face-to-face politics and so being able to gain access to the various players was of obvious importance. However, this changed under the Principate. One man could determine how and with whom he spent his time, which would not matter but for his control of political life. When all eyes were on the actions of one man, the social circle of the emperor was the most important political circle and access to this circle was vital for those who wished to develop careers or seek help.

With Tiberius' retirement to Capri in AD 26 accessibility became a key issue. The accessibility of the emperor not only highlighted his respect for his political peers in the senate, but also suggested he was to some extent constrained by the views of those around him. Being accessible showed that the emperor accepted and respected the collective. A lack of accessibility meant the collective had no control and no respect: it was thus the mark of the tyrant.

The usual interaction, embedded in the system of *amicitia*, between *princeps* and magistrates and the operation of Tiberius as patron was jeopardized by his withdrawal to Capri. When accessibility was lost, the mode of government necessarily had to change. Shifting from a consultative system and the casual accessibility to the men in power, to a system in which the centre of power was distant from most of the aristocracy meant a shift to written communication between the emperor and the collective. Yet, this move towards a more formal system of communication inevitably exposed hierarchies and the inequalities between Imperial 'writer' and senatorial 'readers'. It is very easy to see, therefore, why Vespasian was praised by Dio simply for spending time in the gardens of Sallust because he was thereby accessible to aristocrats, and presumably to some lucky plebs too (65.10.4).⁵⁹ By so doing, he was presenting himself as part of the collective, as listening to that collective, and creating the possibility that the collective could influence. It was also Vespasian who stopped the indiscriminate searching of persons before they saw the emperor as a security measure (60.3.3).

An emperor in hiding not only destroyed the interface that

facilitated political dealings but also brought suspicion on himself. Inaccessibility ensured that the public assumed there was something to hide. For example, Tiberius' retirement on Capri ensured the spread of rumours about his sex life (Suet. *Tib.*42).⁶⁰ Similarly Gaius is depicted as spending sleepless nights wandering the corridors crying out for daylight or hiding under his bed from the thunder (Suet. *Cal.*50, 51). Domitian was also notoriously introspective and anti-social, sitting alone in his study and, so the story goes, stabbing flies with a stylus (Suet. *Dom.*3). That the sources present inaccessible emperors in this light shows that inaccessibility was associated with deviance from the moral codes of society.⁶¹

This emphasis on accessibility and 'face-to-face' politics meant that there was a limited division between private and political. Thus, meeting the emperor was always potentially a political event. An emperor would not just meet people in formal political arenas, but also socially and the social behaviour of the emperor was crucial in establishing his political personality. The dinner party was thus a key event. Naturally, such a theatre was a constant source of anecdotes for the likes of Suetonius because the emperor's relationships were under such scrutiny and tales would be recounted. Suetonius tells us of a man who spent 200,000 sesterces to secure an invitation to dinner by Caligula (Suet. *Cal.*39). The dinner party circuit was a networking system that integrated the elite of Rome; in this system status was created or affirmed, but since the social circle was the political circle, inclusion or exclusion had real political consequences that could make or break an individual.

With power so entrenched in the hands of the *princeps*, his accessibility may have only helped maintain a façade of collectivism, but it was an important one. Collectivism had been the mainstay of the Republic; the senator of the Republic held his morning salutation for his clients, attended book readings and both gave and was invited to dinner parties. These social acts made him accessible. An accessible emperor portrayed himself as part of that same political culture.⁶²

If an emperor was simply approachable and affable, regardless of the actual outcome of the exchange between emperor and the other party, the system would seem less tyrannical. The political system allowed the possibility of a remote emperor but if an emperor took such a course of action his distancing from the political culture of the collective became obvious, as did the irrelevance of that culture to the operation of power in the Imperial period. Yet again we find an appreciation of this in Pliny's *Panegyricus*; he praises Trajan for the semblance of a free state (63.5) and talks of power as if it were shared (66.2). The brute realities of Imperial power were softened by the emperor's acknowledgement and support for a political culture that

emphasized the collectivity. Pliny's point, then, is not in contradiction: the culture of collective politics depended on the emperor behaving as if that culture governed. The semblance of the free state is not then a façade, but a mode of political life.

Patronage and *Beneficia*

Under the Republic great men were patrons of the urban masses, of armies and even of foreign kings and provinces, other senators and *equites*.⁶³ Patrons would bestow *beneficia* on those below them and there was clear protocol surrounding the giving and receiving of such gifts. Patronage was an integral part of Roman society and politics and continued as such under the emperors.⁶⁴ When there were no popular elections and political power rested with one man, the manner in which the emperor bestowed *beneficia* was crucial. The modes by which the emperor dispersed his patronage and how these gifts trickled through the political and social system was of great concern to the aristocracy, particularly when freedmen or women could become agents within such a system, and there was thus much discussion of the issue. The *Panegyricus* uses the term *beneficium* 15 times.⁶⁵ Nerva's reason for taking the Imperial post was, supposedly, to confer *beneficia* on the world (Pliny *Ep.*10.58.7–9). Seneca even produced a treatise on the subject – *De Beneficiis*. And it seems that one of the first acts of most emperors on accession was to ratify all *beneficia* of previous emperors (eg. Suet. *Tit.*8), and in so doing they would retrospectively associate themselves with the generosity of their predecessors, but also prevent potential litigation against favourites of the old regime and the feuding that would follow. Seeking *gratia* implied subservience and when emperors used freedmen or women to disperse *beneficia*, senators, mindful of their dignity, were in a difficult position. They were faced either with exclusion from political influence (and thus loss of status) or the courting of those whom they regarded as inferiors (and thus loss of status).

Saller sees the aristocracy of the Empire as brokers of *beneficia*, their *auctoritas* depending on what they could get from the emperor.⁶⁶ Pliny's letters show him asking the emperor for favours for others; for example, a magistracy for a friend (such as the praetorship for Atticus Sura; *Ep.*10.1), or citizenship for his doctor (*Ep.*10.5). Appian secured a procuratorship after Fronto had begged the emperor for two years.⁶⁷ The elite could bestow *beneficia* once they had secured the emperor's favour. Although members of the elite may have preferred to deal with the emperor directly, emperors sometimes chose to use 'super-brokers' through whom they would further channel their patronage.

The choice of broker was crucial, since it made the individuals representatives of the emperor and gave them considerable power with which to build a political base. Tiberius' use of Sejanus illustrates the difficulties. First, Sejanus was a man of equestrian rank, and his domination offended traditional hierarchies. Also, Sejanus used his power to build a corps of supporters and this faction came to monopolize *beneficia*.⁶⁸ It was crucial for harmonious workings of the aristocracy that all groups had some access to *beneficia*: the failure to distribute *beneficia* across the networks of patronage not only offended certain members of the elite and reduced their authority, but polarised the political landscape by creating powerful 'in' and 'out' groups.⁶⁹ As we have seen, aristocrats should have facilitated access to the *beneficia* of the emperor, but Sejanus dominated to such an extent that he became the only important broker of patronage.⁷⁰ Similarly, when freedmen were given roles in this system, status-conscious Romans were insulted.⁷¹ Senators who grovelled at the feet of freedmen were mocked by Epictetus, himself a slave of Nero's Epaphroditus.⁷² But it was not just the status of the broker that caused problems: Tiberius' *beneficia* were discounted by Seneca because they were humiliating to the recipients (*De Ben.*2.7–8). For instance, Tiberius made a protracted speech in the senate against those who had impoverished themselves, before granting them money (*Tac. Ann.*2.38). Trajan, by contrast, actually asked the senate to confirm some of his *beneficia* highlighting their inclusion in the system (*Pliny; Ep.*10.95). The operation of *beneficia* was thus riddled with difficulties.

Beneficia created obligation; Nerva was at pains to explain to Pliny that he would not re-grant old *beneficia*, which would incur a new debt of obligation on the receiver (*Ep.*10.58). Because of the creating of such obligations, gifts could be unwanted, such as Caesar's gift of clemency to Domitius in the *Pharsalia* (2.509–15). Cicero points out that the wealthy and honourable do not like to be bound by a *beneficium* (*De Off.* 2.69). The process of granting *beneficia* was therefore dangerous, establishing a network of obligations that created relationships that may or may not be pleasing to those within the network. A *beneficium* which could not be returned potentially turned a relationship that operated with at least a semblance of equality into one of subservience. Tacitus shows that Gaius Silius' claims that he maintained the loyalty of his troops during the German mutiny in AD 14 created an obligation from which Tiberius could not free himself from and thus Tiberius engineered his death (*Ann.*4.18). This was a perversion of a system inherent to the Principate, and Tacitus makes a more general point since not only would a great gift to an emperor potentially endanger, but gifts from an emperor could, in a reversal of the same logic, cause animosity.

Augustus accepted gifts on the Kalends of January, but always gave back much more than he received thus avoiding gift debt (Dio 54.35.1). He also banned any individual from contributing to the *aerarium militare* on its inception and enforced a maximum contribution after the fire on the Palatine (RG 17; Dio 55.12.4). When he did incur a debt, he was careful to pay it back: Macrobius provides an anecdote of a veteran of Actium asking Augustus to help him in a court case, and when pointing out that he helped Augustus personally by fighting, Augustus actually defended the man in person.⁷³

This protocol was shattered by the likes of Caligula, whom Dio has collecting money on the Kalends of January without returning any (59.24.4–5). Such disregard for the Republican system of patronage highlighted the assault on traditions that was such a feature of his reign.⁷⁴ Similarly, emperors who embarrassed those they benefited or accepted gifts without the expected return were ignoring the usual ‘rules’ of reciprocity that bound the elite together as a collective. This also affected legacies. There was no requirement for the emperor’s inclusion in the list of legatees, but Caligula and Nero both allegedly forced some prominent individuals to leave them legacies on the grounds that they were indebted to their *princeps*.⁷⁵ In these cases *beneficia* had created obligations that the emperor reclaimed. Augustus had refused to change the freedom to leave one’s legacy to whom one wished, the *licentia testamentorum*.⁷⁶ The will was supposed to be a document of truth; which explains why Augustus was supposedly obsessed with how friends spoke of him in their wills (Suet. *Aug.* 66).⁷⁷ Augustus even claimed in his own will that he had been given 1,400 million sesterces in inheritances and legacies (Suet. *Aug.* 107). Demanding *beneficia*, as Caligula and Nero supposedly did, turned this act of reciprocal friendship into an obligation, which signified a shift from relations based on equality and mutual regard to one which was based on the naked use of power.⁷⁸ The will was a sign of friendship and of gratitude freely given; defining who was obliged to leave a legacy to the Imperial treasury was tyrannical. Imperial power undermined the delicate balance of alliances and friendship, of moral approval and disapproval, and the giving and returning of *beneficia*. Augustus watched wills not because he wanted the money, but because he wanted the demonstration of approval. Caligula and Nero, however, supposedly not only demanded a return on obligation, but demanded that the approval be shown in certain ways.

The system of patronage was extremely delicate and depended not so much on what was done, but how it was done and through whom. When a class-conscious senator had to seek the support of a woman or freedman in order to petition the emperor, the hierarchy of the Republic was undermined. Upward mobility of freedmen created

status anxiety; their role in accessing the emperor or as brokers for the emperors' patronage perverted the traditional power structures of Rome. The way the emperor managed this delicate Roman system would highlight his respect or otherwise for the collective and depict his regime as working within or without the Republican traditions. As patronage and *beneficia* went to the heart of Roman society and social life, the way an emperor handled these issues was vital and made a clear political point.

Pietas

Pietas was the performance of duty to gods, state and family and had been central to the conception of the good Roman of the Republic.⁷⁹ It was, importantly, a public virtue and thus strongly differentiated from contemporary western ideas of piety and goodness.⁸⁰ Religious impiety was a cause for political concern. In 390 BC Camillus, according to Livy, gave a speech on why the gods should never be neglected (5.51–2); the Roman army, beaten by the Gauls previously, had forgotten to sacrifice to the gods and fought without the correct auspices or sacrifices. Because of this neglect, Livy asserts, the army did not even resemble Romans (5.38). Similarly, Plutarch's Fabius Maximus argued that the disaster at Cannae was due to neglect of religious matters (*Vit.Fab.Max.*5). Military success was based on responsibility to *auspicium* and *felicitas* (blessedness).⁸¹ Magistrates were expected to follow religious practice. According to Plutarch, when Scipio Nasica and Gaius Marcus had been elected consuls they were duly informed by an augur that there had been a religious *faux-pas* in their election, whereupon they both returned to Rome to lay down office (*Vit.Mar.*5). Deference to the gods was deference to the Republic. This attitude, like all deeply entrenched Republican concepts, did not just disappear with the onset of the Principate. The *pietas* of the emperor would mark him out as following in the traditions of the Republic.

Julius Caesar is criticized for his lack of piety and disregard for religion (Suet. *Jul.*59). Lucan portrays Caesar as telling his men to forget *pietas* and parents and attack the forces which demand reverence.⁸² Hence Caesar's men do all the killing at Pharsalus (as to kill a fellow citizen is impious) and Lucan goes out of his way to cast Caesar as the master of impiety, killing his Roman brothers.⁸³

Augustus attempted to remedy the problems of the previous decades by restoring *pietas* as a predominant Roman virtue, through, for example, religious restoration (RG 19,20).⁸⁴ He restored 82 temples and took many religious positions himself cloaking the office of

princeps with religious authority.⁸⁵ Augustus listed the several priesthoods he held in the *Res Gestae*, but the most important position became that of *Pontifex Maximus*, which he received in 12 BC.⁸⁶ His name, Augustus, had religious overtones, and he portrayed himself as a man of *pietas* who revered the gods.⁸⁷ His victories in the civil war could be portrayed as a triumph for Roman religious values in opposition to the impious Antony and Eastern barbarism. The elevation of *pietas* as a defining virtue, culminated in Virgil's association of *pietas* with Aeneas.⁸⁸

This emphasis rendered *pietas* a key ideological concept for the Imperial period and thus a focus for Imperial writers. Valerius Maximus, for example, is full of examples of *pietas* during the Republic, such as quitting office due to bad omens.⁸⁹ In 390 BC when Rome was sacked by the Gauls, L. Albanius made his family leave his cart so he could transport religious artefacts (1.10), and, as a counter example, Marcus Crassus' demise is explained by his failure to listen to the gods (1.6).

However for Augustus and his new regime *pietas* meant loyalty to the state and thus to the emperor, which created certain ambivalences.⁹⁰ The Imperial cult, for example, was a manifestation of *pietas* but the elevation of a man to the status of a god was an act of impiety to the divine, and so Augustus was careful to restrict it.⁹¹ There was no state worship of Augustus or his *genius* in his lifetime.⁹² In melting down silver and gold statues he distanced himself from an association with the divine (*RG* 24.2). Although Tiberius abolished foreign cults and forbade people from swearing by his fortune, his deification of Augustus, like that of Julius Caesar, was potentially anti-Republican (Suet. *Tib.* 36; Dio 57.8.3).⁹³ Brent has shown that the practice of worshipping deified individuals was not part of the Republican religious or political practice (1999, 19). It is yet another example of a practice that helped consolidate the rule of the emperors. The sources tell us Caligula despised the gods, impersonated them and even claimed to have had sexual relations with them. However exaggerated the accounts of his promotion of his own divinity are, the deification of his sister and the development of temples to his *numen* in Rome, and his lavish dedication of a shrine of Augustus, with banquets, horse races and music (59.7.1–2), increased the importance of *pietas* as a demonstration of loyalty to the emperor and his family.⁹⁴ Dio has people taking oaths and giving prayers to Gaius and his sisters (59.9.2). Similarly his supposed lust for his sisters could be seen as a lack of piety (Suet. *Cal.* 24). This corruption of *pietas* ensured that a traditional *pietas* would be oppositional, by, for instance, demanding that a distinction be maintained between man and god. Similarly, Nero's onslaught against his own family with the murders of

Britannicus and his own mother Agrippina showed a severe lack of *pietas* (Suet. *Ner.*33; 34). Such Imperial corruption could quite clearly have a political impact in demonstrating a lack of fitness for office.

Augustus' promotion of *pietas* was rendered sinister by the acts of a Caligula or Domitian, but '*pius*' came to be a term of adulation for the emperor: Antoninus would eventually take the virtue as part of his name and by the third century it was assimilated with *clementia* on coins to show the indulgence of the conqueror to his subject peoples.⁹⁵ *Pius* subservience to the state had a different resonance once the state was no longer a collective. In this context it was easy for piety to be corrupted into loyalty to the emperor.⁹⁶ The *SC de Pisone Patre* after the trial of Piso in December AD 19/20 used *pietas* to link the equestrian order and plebs to the Imperial family and claims that all the orders owed *pietas* to the Imperial house.⁹⁷ This shows that the concept was being used in the early first century to attempt to foster loyalty to the emperor and Imperial house.

In this way, conceptions of what it meant to be *pius* became an indication of political leaning. Scheid has defined *pietas* as the correct relationship with parents, friends, fellow citizens and gods.⁹⁸ But it became intensely more political than that during the Principate. In fact, Kragelund has shown that Galba sought legitimacy through accentuating his *pietas*.⁹⁹ This ties in with the Republicanism he showed in refusing to pay off the praetorians, or in his use of his own table service.¹⁰⁰ In contrast, Nero is castigated as the embodiment of impiety by Tacitus, Suetonius and the author of the *Octavia*.¹⁰¹ The insistence on *pietas* as a key Roman virtue created tensions in attempts to define the ideological basis of the Principate. Emperors could highlight their own *pietas* towards family members, as Caligula did towards his mother and brothers, thus accentuating their own good behaviour.¹⁰² Conversely, Republicans could use piety to the gods to express discontent with the regime, who in turn could try to insist on piety being shown to themselves in order to display loyalty.

For the opposition, *pietas* would remain a duty to the collective over and above any loyalty to the emperor. This could only serve to create tensions as emperors such as Domitian sought to portray themselves as *pius*, enforcing religious and political order, only to find themselves attacked for impiety and for not conforming to the political and moral ideals of the collective.

Frugalitas

Sources writing during the Republic, such as Livy, Sallust and Cicero, berate ostentatious clothes, elaborate buildings and lavish banquets

which are presented as undermining the Republic. Although Livy did his best to show that no state had for so long managed to keep the evils of avarice and luxury at bay than Rome (Preface 11), it was a commonplace that morality had declined.¹⁰³ Sallust blames it on the defeat of Carthage (*Cat.* 10) and Sulla's army, who learned from the East how to indulge in women and drink, to admire art and to steal from private houses and public places, pillaging everything, both sacred and profane (11.6).¹⁰⁴ Decades earlier Polybius had suggested that as Rome conquered it became luxurious, which had a demoralizing effect on its people (6.57). The fall of the Republic was seen in terms of that demoralization.¹⁰⁵

Livy's work praises the Romans of the past and critiques his contemporary situation where riches 'brought in avarice, and excessive pleasures the longing to carry wantonness and licence to the point of ruin for oneself and of universal destruction' (Preface 12). Rome had become decadent whereas in the past men were magnanimous and fair; Livy castigates his contemporaries for desiring wealth and luxury alone (7.25). Sallust offers similar views, claiming Catiline and his supporters were 'spurred on, also, by the corruption of public morals, which were being ruined by two great evils of an opposite character, extravagance and avarice' (*Cat.* 5.8). He goes on to explain how Rome was once great:

Accordingly, good morals were cultivated at home and in the field; there was the greatest harmony and little or no avarice; justice and probity prevailed among them, thanks not so much to laws as to nature. (*Cat.* 9.1)

For Sallust, when the morality of the Romans was intact, there was no need for Law to restrain individuals.¹⁰⁶ Sallust's Cato attacks the extravagance, greed, and idleness of his contemporaries (*Cat.* 52.22). Moreover, he suggests that the common morality has become so perverted that the language itself has been usurped, showing that squandering the goods of others is called generosity, and recklessness in wrong-doing is called courage, and such actions reduced the *res publica* to extreme measures (*Cat.* 52.11).

The most depraved state for Cicero is that which is based on wealth and where the rich are deemed the best men; there seems to have been a belief that the flaunting of one's wealth would lead to power (*De Re Publica* 1.34).¹⁰⁷ Wealth drew attention away from moral values in assessing the virtues of the individual (and thus lessened the influence of collective morality). Additionally, it threatened the equality of the collective in making obvious economic inequalities. The display of excessive wealth, then, could be seen as un-Republican and this accounts for sumptuary legislation. These laws are attested

early. The Twelve Tables had a section on luxury and ostentatious displays of wealth.¹⁰⁸ In 275 BC P. Cornelius Rufinus was expelled from the senate for having too many silver vessels.¹⁰⁹ Loyal servants of the state were expected to use their wealth to aid it in times of crisis, as the matrons of Rome did by handing in their jewellery for an offering to Delphi in 395 BC as a thanks to the victory of Camillus over Veii (Livy 5.25). In Plutarch, Coriolanus also settled for a normal legionary's share after the defeat of Corioli, instead of the tenth he was offered; excessive wealth should not interest the general of the Republic (*Vit. Cor.* 10). Commercial activity was seen as unsuitable for the conscript fathers too; the tribune Q. Claudius passed a law that banned senators from owning ships of more than 300 amphoras capacity (Livy 21.63) and in the second century, we see a flurry of sumptuary laws.¹¹⁰ Rosivach has shown that these laws were clearly unenforceable, and that the Romans themselves knew it (2006, 12). He argues that they were more important as political symbolism; they were passed by a group in the senate who wished to mobilize the community against such action (2006, 2). The reason for this could be seen in the political danger of displaying wealth; it could work against the Republic.

Sumptuary laws would continue their political importance under the emperors. It is no surprise that the two emperors most concerned with appearing Republican, Augustus and Tiberius, both brought in sumptuary laws, forbidding the use of solid gold as tableware, silk clothes for men, and placing restrictions on what could be sold in taverns.¹¹¹ Despite their impractical nature, they can be seen as setting a tone for the regime, and trying to encourage Republican behaviour, or a communal reaffirmation of the Republican past.¹¹² In so doing, they were attempting to prevent the values of the collective being subverted by displays of wealth and advertising their desire to restore the *mores* of the Republic. And contemporary sources such as Valerius Maximus therefore agreed with the traditional view of ostentation.¹¹³ As we have seen avarice and extravagance had a fundamental part to play in the ancient depiction of the fall of the Republic. Financial profligacy was seen as unworthy of an emperor.

Yet, with the advent of the Principate, the emperor's wealth dwarfed that of any other individual and the emperor was thus in a position to out-shine any competitor in a display of conspicuous consumption. This created a tension in the Imperial position. Levick has shown how the emperor now had access to the nation's wealth; indeed, Caligula supposedly points this out to his procurators in AD 40 (Suet. *Cal.* 47).¹¹⁴ On the one hand Augustus could pass sumptuary legislation and display his own frugality through home-spun clothes, but on the other hand his *Res Gestae* would still advertise his massive

building projects and expenditure, albeit on the supposedly public realm.¹¹⁵ Emperors who lived without excessive display tried to avoid making such disparities obvious, whereas the splendours of a Caligula or Nero were seen as harming good government and so tyrannous.¹¹⁶ Disposal of income on the public could be seen as more acceptable as expenditure on the private, but the boundaries between the two were not altogether clear.¹¹⁷ *Frugalitas* became a measure by which to judge the emperors, through dress, houses, public works, *beneficia*, and finances, and it was certainly difficult for the emperors to negotiate its idiosyncrasies.

Dress

Augustus, we are told, sought to revive the ancient fashion of dress; he supposedly insisted on the wearing of the toga in the forum, presumably instead of a cloak or tunic (Suet. *Aug.* 40).¹¹⁸ He made a point of wearing common clothes that were home-made by the female members of his family, and Suetonius notes that his toga was neither close nor full, and the purple stripe was neither too broad nor narrow (*Aug.* 73). In Dio, Caligula and Nero are described as dressing as Greeks or gods or in an effeminate style.¹¹⁹ Suetonius tells us that in doing so Caligula wore embroidered cloaks with precious stones, bracelets and silk; he dressed as a woman or as Venus (*Cal.* 52). Suetonius suggests that Caligula was un-Roman:

In his clothing, his shoes, and the rest of his attire he did not follow the usage of his country and his fellow citizens; not always even that of his sex; or, in fact, that of an ordinary mortal. (*Cal.* 52)

Nero is treated in a similar fashion; when he appeared on stage he wore the appropriate attire; masks of himself or the women he loved, dressed as a goddess or heroine, god or hero (*Ner.* 21). After his tour of Greece he returned in triumph, using Augustus' chariot and wearing a purple cloak, the symbol of monarchy, in the Greek style (*Ner.* 25).¹²⁰ At the Quinquennial games Domitian presided over events wearing a purple toga in the Greek fashion and a crown. He sat in between two priests of the college of Flaviales who both wore similar dress and had on their crowns the image of Domitian (*Dom.* 4).

By ignoring the accepted dress code emperors were making an obvious statement. Dress was a very obvious way to display wealth and power. Conservative dressers made the point that they were adhering to the norms of the collective; those who wore inappropriate clothing, such as that of a woman or god, were advertising their

superiority to the collective: it was symbolic of political power. When an emperor flouted the traditional codes, he was advertising a break with tradition.

Buildings and Palaces

Sallust comments on the huge villas of his own time, asking the reader to remember the temples of the old Republic where shrines were adorned with *pietas* and the houses of the great with *gloria* not artefacts (*Cat.* 12). Sallust contrasts *pietas* and *gloria* with the display of wealth. An emperor's buildings very obviously ran the risk of displaying *luxuria*.

At the beginning of the Republic, the consul Publius Valerius built his house high on a hill, supposedly on the site of the house of King Tullius, but when accused of aiming at tyranny he destroyed it and moved to the foot of the hill, and was rewarded with the title *Publicola*.¹²¹ Velleius Paterculus gives the similar story of Livius Drusus, tribune of the plebs in 91 BC, who was told by his architect that the design of his house would ensure his privacy, whereupon Drusus asked him to redesign it so that all his movements could be on public display (2.14.3). The residence of the Republican gentleman should display his actions and accommodate a large number of people. As a result of this, houses represented the moral status of their owners. Pliny the Elder, for example, attacked Crassus for using marble columns in his house when there were none in public buildings (*NH* 17.1.6), a clear case of an individual elevating himself above the state and causing offence.¹²²

Traditionally the houses of the Roman elite were built for accessibility, as they were venues for all kinds of business.¹²³ Augustus' move to the Palatine redefined the role of the house for an Imperial age, but he was careful to maintain accessibility while living there. Augustus' residence is said to have been modest; he lived on the Palatine in the dwelling of Hortensius, which was remarkable for neither size nor elegance, and was without marble decorations. He even slept in the same bedroom for 40 years, where he preferred simplicity to luxury (Suet. *Aug.* 72).¹²⁴ Furthermore, his furniture and household goods were simple and still on view in Suetonius' age (*Aug.* 73). This 'museum' of Augustus would have created a monument to the Augustan mode of life; as such it blended the political and the domestic, promoting the cultural politics that Augustus appears to have favoured. In this way, the political message of Augustus' way of life was passed down to future generations and could also be used as a comparison to contemporary emperors. Although a house on the

Palatine is a far cry from the supposed rustic cottage of Cato the Elder, it showed decorum. Furthermore, as emperor he restrained the ostentatious display of wealth by others; Suetonius tells us he disliked large, sumptuous estates and that his own were modest (*Aug.* 72). He even razed to the ground the palace of his granddaughter Julia as it was too lavish. He did the same to the Roman palace of Vedius Pollio (*Fast.* 6.642).

Carettoni has shown the extent to which Augustus' house on the Palatine blurred the private with the public.¹²⁵ This is certainly the case made in the literary evidence too. Excavations have shown that far from being modest, Augustus' house was actually quite grand. He had a large house, but while advertising private *frugalitas* his house was surrounded by and incorporated into luxurious public spaces: public libraries, the temple of Apollo and the temple of Vesta.¹²⁶ In this way, the house was also elevated above that of a usual aristocratic private house into a public/ private complex.¹²⁷ Such a display of luxury in a public context could be presented as virtuous. Situated on the Palatine overlooking the forum and with various honours at his gates, such a central and open place of residence was in keeping with the Republican traits of openness, but it took to an extreme the blurring of the distinction between public and private that was inherent in the aristocratic house. Rather than there being a clear divide between a (private) house and a (public) palace, there was a continuum and so the point at which a house became a palace was open to debate.¹²⁸ But, by living in the centre of Rome and surrounded by public buildings, however lavish, Augustus was accessible.¹²⁹ However, Wardle has pointed out that however much Augustus downplayed his link to the gods in his house after the fire of AD 3, this is certainly not the impression one gets when reading Valerius Maximus (2.8.7).¹³⁰ This is perhaps to be expected and archaeology supports it.¹³¹ But by the time of Tacitus and Suetonius, the tradition (or legend) is that Augustus showed frugality and moderation in his house. Suetonius, as Patterson explains, probably reflects official ideology of the age when he reports Augustus' frugality.¹³² That legend may well have been accentuated by the actions of later emperors. Although Tiberius, as with everything else, followed Augustus' lead (*Tac. Ann.* 4.6), it is of course with reference to Caligula, Nero and Domitian that the sources express their disgust with regard to their personal living spaces. Suetonius writes of Caligula that he built part of the palace to as far as the forum and made the temple of Castor and Pollux its vestibule (*Cal.* 22).¹³³ He also wrote that he built villas and country houses in ways that people thought impossible, disregarding the expense (*Cal.* 37).

Nero's infamous Golden House was not only on an unprecedented

scale, but in the heart of Rome on land which had been cleared after being destroyed during the fire of Rome.¹³⁴ Suetonius tells us he extended the palace to the Esquiline where the buildings housed a 120-foot statue of the emperor himself, a mile-long colonnade, vineyards, woods and pastures and even a revolving room (*Ner.* 31). Domitian's palace, the *Domus Augustana Domitiana*, was also vast.¹³⁵

The Imperial residence was extended by successive emperors, and these extensions were seen to have moral resonances. The plans of Caligula and Nero, however exaggerated, are given to us in the sources in order to display their reckless extravagance and lack of *frugalitas*. Seneca had extolled the virtues of Scipio's spartan villa in Liternum. The one small, dark bathing area is compared to modern bath houses surrounded by Alexandrian and Numidian marble with complex frescoes and multiple pools (*Ep.* 86). He explains the pleasure of going into one of those old bath houses where Cato himself, Fabius Maximus or one of the Cornelii would have regulated the warmth of the water with their own hands. In another letter, he draws a contrast with a description of Servilius Vatia's villa; he explains that this man knew how to hide, not how to live, commenting on the man's lavish retirement (*Ep.* 55).¹³⁶ He goes on to explain that the place one lives in makes no contribution to peace of mind; only philosophy can do that. The point is clear; the indolent Vatia had a splendid countryside residence that befitted his slothful character; Scipio had a spartan residence that befitted the traditional Roman virtues. There is a catalogue of differences between the two houses.¹³⁷ The virtues of each man are mirrored in his residence.

The building program of the emperor was a tangible display of his character. Spending money on public buildings for the community could be seen as a noble *beneficium* but emperors such as Nero and Domitian are depicted as enlarging their Imperial residences, to the extent that they dominated the city: the houses could therefore be seen as representing the political qualities of the particular *princesps*.¹³⁸

Liberalitas

Liberalitas was in some ways the mirror value of *frugalitas*. It could be seen as either ludicrous expenditure or generosity. The *liberalitas* of the emperor could differentiate him from the collective as he had recourse to such huge wealth.¹³⁹ During the Republic extreme wealth had been seen as politically dangerous, as indeed did using that wealth too liberally. This would continue into the Principate. Suetonius credits Caligula with the phrase 'a man ought either to be frugal or Caesar' (*Cal.* 37). Here, Suetonius shows Caligula despising

frugalitas and preferring to celebrate his *liberalitas*.

Like earlier Roman writers Pliny the Elder saw the Greek East as the source of moral decline through excessive wealth; Scipio brought luxuries from Asia in triumph in 189 BC; the incorporation of Asia in 132 BC affected *mores* even more (33.148–9). Scipio is to blame for bringing silver and bronze dining ware; Mummius for Corinthian bronzes and paintings; Pompey for pearls and gems (37.12).¹⁴⁰ Pliny also criticized such luxurious practices as mining for precious stones (9.139; 9.162; 33.3); he fulminated against an 8000 HS mullet (9.67); he attacked Nero for the burning of a year's incense production at the funeral of Poppaea (12.82). He argues that wealth and the display of luxury should not define social dignity (22.5). Wallace-Hadrill sees Pliny's *Natural History* as an attempt to assert a scientific basis for traditional Roman condemnations of luxury; luxury threatened to redefine the social order and should be stopped.¹⁴¹ Sallust even has Cato say that *liberalitas* often meant handing out other people's goods (*Cat.* 52.11–12).

In general, lists of extravagance should be treated with a certain caution, especially when a price is given. That Suetonius reveals many examples of such extravagance shows the importance of *frugalitas* in viewing the emperor, regardless of the accuracy of the claims. Julius Caesar tore down a house at Nemi that he disliked in order to build another even though he was poor; he was fond of luxury and he even took mosaic floors on campaign; he collected gems, carvings, statues and exceptional slaves (*Jul.* 46, 47). He gave gladiatorial games and a feast to the people (26). He lavished gifts on all (27); he adorned provinces of Asia, Greece, Italy, Gaul and Spain with public works; he opened a Temple to Mars and the greatest libraries of the day, he drained marshes and built highways (44). He even bought Sempronia a pearl worth 6 million sesterces (50) and stole gold from the Capitol, replacing it with bronze (54). It took a Caligula to outdo him. In the account of his spending, avarice is linked to extravagance. Caligula is called gluttonous (*Cal.* 11); he gave 800,000 HS to a freedwoman who kept quiet about her patron's guilt (16); he set aside the wills of centurions to get more cash and he auctioned off Imperial property to pay for his luxuries (38); he also raised new taxes (40). Suetonius interprets his acceptance of New Year gifts as due to a mania for money. Caligula supposedly gave Antiochus of Commagene 100 million sesterces to take home and his infamous phrase that a man ought either to be frugal or Caesar shows him despising *frugalitas*.¹⁴² Tales of Liburnian galleys with onboard baths and orchards, huge villas and many more expensive items are listed. Nero is also attacked for squandering money (Suet. *Nero* 26). According to Suetonius he gave Tiridates more than 100 million sesterces with which to return

home, having spent 8000 a day on his maintenance in Rome (30). Interestingly this is the same figure that appears for Antiochus and Caligula. Nero's many entertainments were expensive (11); he dedicated baths and a gymnasium, giving the senators free oil (12); he increased the number of chariot races (22); he said that extravagance becomes the gentleman (30); he gave the lyre player Menecrates and the gladiator Spiculus expensive property; he gambled; he fished with a golden net; he had mules with silver shoes; he took over 1000 carriages when he travelled (30).

Caligula and Nero are berated for their expenditure and orientalising.¹⁴³ This fits in with the remarks against luxury during the Republic – that such vice was imported was a typical view. Caligula and Nero, by such actions, could therefore be seen as un-Roman and so forfeiting their right to rule, hence the links to foreign despots played up by the sources.

The sources portray the 'bad' extravagant emperors as prosecuting for financial gain.¹⁴⁴ The shortfall in the treasury, entirely brought about by selfish expense, needed to be met. This need could lead to purges; trials are often linked in the sources to an emperor's desire for money.¹⁴⁵ Despite there being little hard evidence of this sort, the fact that the sources use it as a general accusation shows their discontent with large Imperial spending. *Frugalitas* was desired in an emperor as it showed deference to the collective and Roman traditions, it ensured he would not become a tyrant and it also took away the danger that he would impoverish the state and then look to prosecutions to fill his own pockets again. The *liberalitas* of extravagant emperors was not simply un-Republican, but was a danger to the wealthy.

A lack of *frugalitas* could upset the hierarchy that Augustus had tried so hard to entrench. When the emperor was in charge of the finances it was essential he showed some restraint with the Empire's resources. Spending it on himself was acting against the best interests of the community. It was also exposing where real power lay and depriving others of bestowing *beneficia* themselves. Furthermore, it made the possession of material goods dangerous. The 'good' emperors are not attacked for their reckless extravagance; Augustus did celebrate festivals lavishly and gave gifts to the people, but this is defended as being for a special occasion (Suet. *Aug.* 75). He was generous to all classes when necessary (41). He used New Year Gifts to dedicate statues to the gods, not to line his own pockets as Suetonius charges Caligula (*Cal.* 57). Tiberius served leftovers at dinner; he put restrictions on cookhouses (*Tib.* 34). In money he was frugal, but too frugal for some as there were no public shows or magnificent public works (46, 47). Vespasian took measures against extravagance (*Vesp.* 11), but he loved money and added new taxes (16); he was generous,

giving an annual stipend for poor consulars (18) but he also gave the tragic actor Apelles 400,000 and Tepnus and Diodorus 200,000 each; he gave constant dinner parties on a sumptuous scale, but as he was more popular with senators Suetonius defends these actions on the rather bizarre grounds of being of help to the market men (19).

Liberalitas, when taken too far, completely upset the system of patronage. The emperor who enjoyed an excessive lifestyle and built regal palaces or who in public played with the resources of the Empire, lavishing gifts on foreign kings and the undeserving, was clearly not showing *frugalitas* and was moving towards a much more Hellenic or monarchic behaviour. Nero was the first to celebrate free corn on a coin with the figure of *liberalitas*. There was even a certain consular under Claudius or Nero, Q. Veronius, whose epitaph records he was supervisor of the Imperial *liberalitas*.¹⁴⁶ Perhaps the most infamous example of Nero's *liberalitas* was the freeing of Greece, liberating the entire province from tax. Such moves advertised his huge resources, the inability of others to compete, but also the danger of *liberalitas* in bankrupting the state. Such moves by Nero were attacked by contemporaries as *luxuria* and *avaritia*.¹⁴⁷ These failings that were in part blamed for the fall of the Republic became embodied in the emperor, as Levick has shown.¹⁴⁸ It is no surprise that they are pinned on the more monarchic emperors. The connection is political. The emperor who wished to advertise their inclusion in the collective would restrain his private spending and instead use his money for the people. It is noteworthy that certain emperors were praised for their *liberalitas* when it came to supporting the people and individuals, such as Titus who after the eruption of Vesuvius and the fire at Rome, made good all the losses, claiming that it had ruined him financially (Suet. *Tit.* 8). Similarly, Augustus, Vespasian and Trajan were all praised for supporting the people and showing charity. Conversely, Caligula, Nero and Domitian were all criticized for being too liberal in their inappropriate spending habits which were not really following the system of *beneficia*. Again, the correct behaviour comes to the fore. It is with Tiberius that the difficulty of the position is again highlighted. Tiberius (and after him Galba) attempt to follow a strictly Republican model in not being generous to individuals, and it leads to unpopularity among contemporaries and is attacked just as much as the excessive expenditure of a Caligula or Nero in the later literary sources. Tiberius' humiliation of a senator in need, and agreement to help him under clear duress, and Galba's refusal to pay off the praetorian guard and army, as well as his insistence on eating from his own family table service, were acts no doubt praised by men of the same ilk as Thrasea Paetus, but were also seen by many contemporaries as stingy and, in the case of Galba, directly led to his

downfall. Kragelund has shown how Galba attacked Nero's irresponsible *liberalitas*, profligacy and extravagance.¹⁴⁹ Under Nero, such *liberalitas* took on unprecedented dimensions, so that those near him would ironically tease him for being a miser.¹⁵⁰ The problem for Galba, of course, was that his restraint was seen as miserly and his stinginess towards his soldiers has been described as a leitmotif running through the sources' portrayal of Galba.¹⁵¹

Moderatio

The Republican aristocrat was expected to show *moderatio* in his ambitions; excessive commands and offices were explicitly against the ideals of the collective, which required a spread of magistracies, hence *moderatio* was a traditional quality of Roman magistrates; Valerius Maximus gives over a whole chapter to the virtue (4.1).¹⁵² *Moderatio* is also the quality ascribed to Trajan throughout Pliny's *Panegyricus*.¹⁵³ This section will investigate *moderatio*, particularly with regard to excessive honours and magistracies and the status of the emperors' subjects.¹⁵⁴

Excessive Honours and Magistracies

Despite powers being clearly monopolized by the *princeps* in the Imperial period, *moderatio* was a virtue highlighted and advertised by certain emperors.¹⁵⁵ Augustus advertised the powers and titles he refuses, not just those he takes:

The dictatorship was offered to me by both senate and people in my absence and when I was at Rome in the consulship of Marcus Marcellus and Lucius Arruntius, but I refused it ... At that time the consulship was also offered to me, to be held each year for the rest of my life, and I refused it.¹⁵⁶ (RG 5.1–3)

Velleius Paterculus praises Tiberius for the triumphs he refused more than those he celebrated (2.122). Tiberius also advertised his *moderatio* on coinage.¹⁵⁷ Tacitus makes much of Tiberius' apparent reluctance to take up office on the death of Augustus, though he scorns the display of *moderatio* (*Ann.* 2.36).¹⁵⁸ Pliny praised Trajan for only holding three consulships, and pressed him to take a fourth (*Pan.* 56–60). Wallace-Hadrill points out that although there was nothing Republican about refusing honours, the gesture was designed to

substantiate the pretence that total power did not lay in the hands of one man.¹⁵⁹ To refuse was to maintain the ideal of shared power.

By contrast Domitian held 17 consulships. So many consulships elevated him above the heroes of the past, and established a much greater distance between the magisterial honours enjoyed by an emperor and those which were claimed by the leading citizens. Further, the historic 'achievement' of so many consulships forced a comparison between Domitian and past heroes, such as Marius, which exposed the fundamentally altered nature of the Roman state. Pliny and Suetonius dismiss Domitian's triumphs because he held too many and he built so many triumphal arches that they implied defeat, though the very fact of the repetition of consulships and triumphal honours would seem to employ the honorific language of the Republic and thereby reinforce its validity. There was thus a tension between the Imperial acceptance of honours and magisterial positions (and thereby honouring the Republican tradition) and the tyrannical domination of honours and magisterial positions (thereby debasing the Republican tradition).

The concentration of magistracies and honours in the person of the *princeps* potentially devalued any he handed out to the senators. Domitian's concentration of honours demonstrated beyond reasonable doubt that the emperor was far above and beyond the collective of senators and that the prominence of the emperor was historically unique: there were no Republican heroes with whom one could sensibly compare Domitian and his honours. There was no balance between senate and emperor and the accumulation of honours by Domitian is paralleled in the more effusive and monarchic literature of the period in which the panegyric elements are strongly represented.¹⁶⁰ Nevertheless, although one might expect the Imperial accumulation of consulships to devalue the one or two consulships achieved by non-Imperial, Pliny's representation of the multiple consulships enjoyed by his seniors and supporters suggests that a traditional evaluation of the honour of the consulship remained possible. The lack of 'balance' between these normal honours though, suggests a moral failing on the part of Domitian, a lack of moderation. So although Domitian's opponents could not refuse him the honours, nor were they likely to repudiate the Republican system of honours, they could still devalue Domitian's status through the application of behavioural norms.¹⁶¹

Domitian's policy and problems were rather different to that of some of his predecessors. Caligula accepted all the honours that Augustus had built up piecemeal, with the exception of *pater patriae*, on one day (Dio 59.3.2). Claudius did the same (60.32). This would become Law with the *lex de imperio vespasiani*.¹⁶² Furthermore, after

campaigns, successful or otherwise, emperors would accept Imperial salutations and various titles. Claudius accepted *ornamenta triumphalia* in AD 41 despite having achieved nothing, in Dio's eyes, in Mauretania (60.8.6). Dio scoffs at Domitian and the other emperors who collected honours after unsuccessful military campaigns (67.4.1). The titles and awards of old were handed out in haste and one might argue that the Republican process of the accumulation of honours across a career was thereby devalued, perhaps even mocked.¹⁶³

Caligula, Nero and Domitian displayed their power in ways which our sources represent as lacking in *moderatio*. This could be seen as reflecting the hostility of the source tradition, but alternatively we could regard their assumption of powers and titles as taking a more obviously regal or Imperial line, and reflecting an ideological representation of the Principate as a monarchy. In so doing, the emperor needed to elevate himself above the collective, and it is difficult not to see the contrasting representations of the various emperors as resulting from deliberate policy. It is perhaps no surprise that the younger, more inexperienced emperors seemed to have favoured this style of leadership. Perhaps they felt the need to clarify their status when faced with an experienced senate whose many consulships, military honours, age and experience, would ensure that a young emperor was unable to compete in traditional ways. The Augustan and perhaps Tiberian policy of relying on personal *auctoritas* could hardly work nor would such a young emperor easily be able to assert his authority over those who sought to advise him and bind him into the collective. Immoderation in accepting honours not only increased the prestige of the emperor, but also devalued the currency of senatorial prestige. By contrast, the refusal of honours, although seemingly a farce, was symbolic and set a tone for the regime. Tiberius' refusal of the Principate itself was seen as hypocrisy. But to refuse excessive consulships was deemed as showing respect for the collective instead of accentuating his dominance with a rapid accumulation of honours and magistracies.

Again, the emperor walked something of a tightrope; refusing the position of *princeps* was seen as disingenuous; refusing the title of *pater patriae* was seen as showing moderation. Holding a few consulships could be read as respect for the position, but holding 17 could be seen as a lack of moderation which corrupted the system of honours and made an obvious political point.

Status

Another area in which the emperor could show his *moderatio* was in

relation to status. Whether he treated the other senators in a dignified way, showing *civilitas*, or whether he showed contempt for the hierarchy, would affect the tone of his regime. A cornerstone of the Republic was respect for status. Republican Rome had a hierarchy that was complicated and idiosyncratic, based on wealth, gender, age, legal status, political experience and citizenship. Magistrates were supposed to be men of moral fibre. As with so much else, this view continued into the Principate; Pliny says the good emperor should bestow offices on good men (*Pan.* 44.7). Respect for status showed a respect for the collective and one's position within it. The Imperial choice, therefore, was whether to show respect for the status of others, thereby showing deference to the collective, or to display Imperial power by contempt for others whose status was obviously lesser, albeit still high enough to ensure pride in its owner.¹⁶⁴ Yet again there was a social and political minefield for the emperors to negotiate.

In the Republic this hierarchy existed in tension with notions of equality and democratic tendencies. Cicero pointed out that equality is unequal when it does not recognize grades of dignity (*De Re Pub* 1.43). Moreover, respect for the institutions of the Republic was expected; even a dictator was expected to request advice from the senate when he had a serious decision to make. The status-conscious Romans of the Republic were used to having a number of *principes*, as in a group of men who were temporarily the most powerful in Rome. Cicero, in his speeches against Catiline, for example, often refers to the leading men of the senate as *principes* (*Cat.* 1.7; 2.12; 3.25). Words such as *auctoritas* and *dignitas* show the need for deference and respect by inferiors. However, with the Principate the *auctoritas* and *dignitas* of a single individual far surpassed the status of any other member of the aristocracy. Indeed, any rival in the accumulation of such qualities would find themselves at risk. Tacitus, for example, claims Augustus discussed three alternatives to Tiberius and then points out how only Lepidus survived (*Ann.* 1.13).¹⁶⁵ Where such moral dominance had once been transitory, deference to them was acceptable and even democratic, honouring achievements as much as the individual. Respect shown to inferiors could keep the Republican system functioning, since it allowed all senators a measure of *auctoritas*. It again highlighted a respect for the collective. But contempt towards inferiors placed those inferiors in a servile position, and thus stripped those inferiors of *auctoritas* and *dignitas*. How the emperor behaved towards those beneath him mattered since respectful behaviour was required to maintain the possibility of a political community. Similarly, a respect for the hierarchy not only allowed the other senators to have their own *auctoritas* and be able to confer *beneficia* on those below them, albeit as a vehicle for Imperial favour, but also

reinforced and stabilized the political culture of the Principate which, of course, secured the reign of the *princeps* himself.

In this context, the role of freedmen and slaves became problematic. Pliny sees good emperors as having a duty to control freedmen (*Pan.* 88.1–2).¹⁶⁶ Augustus himself had taken pains to further entrench the Republican hierarchy and class system; he supposedly never invited freedmen to dinner with the free-born, with the one exception of a certain Menas (Suet. *Aug.* 74). Here, he also showed *frugalitas* and *moderatio* at his dinners, unlike the decadent *convivia* of a Caligula or a Nero. If an emperor, however, was to entrust freedmen with power, then the traditional hierarchy reinforced and exaggerated by Augustus would be undermined, as would the *de facto* power of the nobility. Claudius is usually credited with completing an Imperial secretariat with its various positions such as *ab epistellis*, but the rise of freedmen began much earlier, and was disliked by the nobility.¹⁶⁷ The status and profession of those around the emperor is constantly commented on by the sources. Tiberius was often accompanied by Thrasyllus the astrologer; Caligula had actor friends such as Apelles or Helicon, as well as the likes of Callistus;¹⁶⁸ Claudius is often depicted as under the influence of his freedmen Narcissus, Callistus and Pallas. Pliny shows his revulsion in no uncertain terms at the honours offered to Pallas by the senate under Claudius.¹⁶⁹ Nero surrounded himself with actors and singers and fell in love with the freedwoman Acte, whom he eventually married (Dio 61.7.1). Even the austere Galba is attacked for the influence his freedmen Icelus had on him and Vitellius is criticized for taking the advice of actors (Suet. *Gal.* 14; *Vit.* 12). The sources speak against this because emperors who ignored the hierarchy of the Republic created a status anxiety. The norms of status could have profound effects on behaviours. Seneca, for instance, sees classification of his friends in a hierarchy as normal (*Ep.* 94.14). Yet this systematic ordering of the social world was upset by the emperors. As the freedmen and perhaps others of low status (actors, charioteers, et al.) became more prominent in the political arena, being a friend of the emperor was more important than traditional standing. Frequently, access to power was via the freedmen who surrounded and influenced the emperor, which offended conventional norms of social and political status. One of the older markers of status, patrician heritage, became meaningless, bestowed at will by the emperors. Further, as censor, the emperor could alter the composition of the senate. For example, in AD 47–8, Claudius adlected many Gauls and provincials, and this could be seen as reducing the status of the senators by adding men who did not share the heritage of the traditional nobility.¹⁷⁰ Augustus had expelled ‘unworthy’ senators (Suet. *Aug.* 35).¹⁷¹ Although this is represented as an action of

restoration, this intervention in the senatorial role may have enraged others in that it established Augustan authority over the senate; we should not simply assume that Augustus wore a breast-plate in the senate to protect himself only against those who were to be expelled.¹⁷² Progress along the *cursus honorum* depended on the emperor's favour, and this may explain some of the hostility to prominent equestrian appointments under Augustus and Tiberius. The tensions are illustrated by Caligula's supposed suggestion that he might make his horse Incitatus consul. The joke not only showed contempt for the senate and its leadership, but demonstrated where the real power lay; he could hand out consulships to anyone, and so why not to his own horse (Suet. *Cal.* 55). It is not that the emperors' low friends would rise up the *cursus honorum*. There is no freedman consul, and the granting of praetorian insignia to Pallas does not amount to the office itself. Indeed, emperors appear to make access to the senate for freedmen more difficult. However, the emperor's position corrupts status boundaries that emperors may be seeking to maintain elsewhere. And it is not those in the senate whom emperors always call on for advice. Hence, the criticism of spending too much time with freedmen, charioteers, actors and astrologers. Whether emperors chose men of status or Imperial freedmen to surround themselves also showed a respect or lack of it towards the collective; Cicero had already complained of his dislike of freedmen who had become wealthy and acted as if they were born free (*Q. fr.* 1.2.3). Decades later, Claudius was seen to be controlled by his slaves Narcissus, Pallas, Felix and Harpocras (Suet. *Clau.* 28).¹⁷³ Tacitus attacks the same Antonius Felix, who managed to acquire the governorship of Judaea (*Hist.* 5.9) while Pliny shows a distinct embarrassment at the fact that Pallas was praised and lavishly rewarded during the reign of Claudius by the senate (*Ep.* 7.29.2; 8.6). Offence was caused by the increasing power of freedmen and the lack of respect shown to the traditional orders by the emperor. It was insulting for some to experience this complete disregard for rank and family. Claudius, Caligula and Nero attacked the respect for rank and station that Augustus had attempted to entrench.¹⁷⁴

Status anxiety can also be seen in the treatments of Imperial spectacles. The major criticism in the extant sources is that under various emperors both knights and senators actually performed. Such disrespect for class and status, regardless of how willing the participants were, is attacked by a variety of sources. Gladiators were branded by society as *infames*, together with prostitutes and actors.¹⁷⁵ Those who sold their bodies for pleasure, by whatever performance, did not have equal rights with citizens under the Republic.¹⁷⁶ Even Caesar's municipal legislation saw actors and gladiators banned from

standing on local councils (*ILS* 6085 1.123). Cicero showed his horror that free men fought as gladiators, and the idea that senators were fighting would no doubt have disgusted him even more (*Tusculans* 2.17.41). Years later Seneca would express the same revulsion, asking in his letters what Cato the Elder would have thought when discussing wealthy men who wished to act as gladiators (87.9).

Of course some individuals may have actually wanted to act or fight in the arena, but that is beside the point. When an emperor allowed aristocrats to participate in the games he was breaking the traditions of the Republic which frowned upon aristocratic involvement. Senatorial writers such as Cicero, Seneca, Tacitus and Dio all attack those who disrespect status. Aristocrats who acted immediately forfeited their *auctoritas* in the eyes of many of their peers; to perform was not to be an aristocrat. But actors and gladiators did enjoy celebrity and this might bring both popularity and Imperial recognition. Appearing before the great crowds in the theatre or the arena offered an opportunity for display, which the emperors themselves exploited in their ceremonial appearances at the games. In fact, Takács sees Nero as enacting the traditional virtues, but in the wrong arena.¹⁷⁷ But although it might have seemed that allowing senators to compete in the arena would allow them access to the crowd and potentially increase their status, as Commodus would later use his participation in gladiatorial combat as a way of displaying himself and his power to his people, putting senators on the stage and actors in council confused sources of status and prestige, making the prestige of the theatre the same as the prestige of the senate. By so doing, status boundaries were confused and eroded. Such a confusion left but one clear distinction, a reclassification of Roman society into two groups, the emperor and those below him, making friendship with the emperor the key to success. The emperor used his power to ensure that no others could acquire the status to rival him: he banned others from doing what he himself did.¹⁷⁸ He could claim performances were against the *mos maiorum* or the standing of a Roman aristocrat while at the same time showing his power over those conventions by acting or fighting himself.¹⁷⁹ Dio showed revulsion at Nero's performances:

yet how could one endure even to hear about, let alone behold, a Roman, a senator, a patrician, a high priest, a Caesar, an emperor, an Augustus, named in the programme among the contestants, training his voice, practicing various songs, wearing long hair on his head the while his chin was smooth and shaven, throwing his toga over his shoulder in the races, walking about with one or two attendants, looking askance at the opponents, and constantly wittering taunting remarks at them, standing in dread of the

directors of the games and the wielders of the whip, and lavishing prize money on them all secretly to avoid being brought to book and scourged? (63.9)

Tacitus speaks of the national dishonour of Nero appearing on stage (*Ann.* 16.4).¹⁸⁰ Caligula also performed for his public (Dio 59.5.4). Appearing on stage was antithetical to the *mos maiorum* and still disgusted senators writing as late as the time of Dio. Even Domitian expelled those senators who had danced or acted (*Dom.* 8). Normally, the ‘good’ emperors were portrayed as maintaining class distinctions with regard to who could perform, and even seating arrangements at the games.¹⁸¹ Augustus is praised for respecting rank at his dinner parties and it was he who reorganized seating at the games so that the people of Rome sat by rank, and were seen to be sitting by rank with the *lex iulia de theatralis* (Suet. *Aug.* 74).¹⁸² The theatre as a place of order was part of the Augustan restoration of order. The order of the theatre therefore comes to be associated with a disciplined structuring of Roman society, which in its respect for status is Republican. Caligula, Nero and Domitian attacked this in different ways. Nero and Domitian performed; Caligula scattered prizes throughout the theatre to cause mayhem and purposely sat lower orders where the knights should (Suet. *Cal.* 26). All three emperors attacked and mocked the class structure and showed contempt for the traditions of the Roman Republic. Republican behaviour and the class system of the Republic that Augustus had fought so hard to restore and entrench was assaulted by emperors who performed, forced senators to perform and even purposely disrupted the traditional seating arrangements. This can therefore be seen as a manifestation of their monarchic or Imperial ideology. It was a very public attack on the higher orders and the accepted Republican behaviour at the games.

Augustus’ deference to individuals of prestigious Republican families, or to magistrates, may not have obscured the location of power, but the man of political standing or high birth would still expect to be recognized over and above those traditionally seen to be beneath him. Further, he would expect that certain traditional norms of etiquette would be followed. This was certainly true of the dinner party. It was this etiquette that was so often flouted by Caligula, for example in his brazenly insulting Valerius Asiaticus as to the prowess of his wife in bed (Seneca, *Const.* 18.2). Tiberius supposedly preferred a low-born candidate for a magistracy simply because the man downed an amphora of wine (Suet. *Tib.* 42). Here no respect is shown for the family of the candidates and status is seen to be ignored. In an ideal world, the status of the senators should be respected; at dinner they should be able to speak and dine freely, interacting openly with

the emperor. Pliny reports a dinner where Nerva was talking to the infamous informer Fabricius Veiento about another informer, Catullus Messalinus; when Nerva wondered what would have become of Messalinus, a certain Mauricus answered that he would certainly be dining with them (*Ep.* 4.22). Such an obvious slight on the company Nerva kept showed the freedoms of conversation under his more enlightened regime. Similarly, Augustus did not censure Rufus for his drunken criticism at a dinner party (*Sen. Ben.* 3.27), which is in marked contrast to the behaviour of Alexander the Great, a model of monarchy and tyranny, in his drunken treatment of Clitus.¹⁸³ Tyrants would punish words and treat even the most noble of subjects with contempt.¹⁸⁴ If the emperor acted with respect for his senatorial counterparts, if he allowed himself to be invited to dinner, if he attended their celebrations and festivals and visited them when sick, he would be more palatable.¹⁸⁵ It is no surprise that the 'good' emperors Augustus, Tiberius, Claudius, Vitellius, Vespasian, Trajan and Hadrian are all credited with such behaviours.¹⁸⁶ It was not just who was invited, where they sat, and how polite the emperor was at dinner that was important. As Roller has pointed out, the representation of the emperor at dinner confirmed him as a legitimate bearer of authority through the flow of power at the *convivia* where such power relations were constantly tested and asserted.¹⁸⁷ The emperor could reward or punish those present. But an emperor's behaviour, even if deemed correct by the sources, could be intrusive and demonstrate a lack of respect for the prerogatives of the aristocrat. Seneca recounts the story of Vedius Pollio, who gave a dinner for Augustus. At the dinner one of his slaves smashed a crystal goblet, and Pollio commanded that he be thrown to his lampreys as punishment. Augustus took offence and ordered all the crystal goblets smashed and that the boy be spared (*De Ira* 3.40). Even in the aristocrat's home, power was lost to the emperor. Seneca recounts the tale as an example of how an emperor should use his power, but such a loss of aristocratic freedom was also a loss of status in the face of Imperial power, and would still have been felt, regardless of whether the particular individual concerned 'deserved' his punishment or not. The ambiguities of the situation with Vedius Pollio were rendered clear by Caligula's demonstration that an emperor had power even over the bodies of aristocrat's wives. The handling of the aristocrats at these *convivia* was crucial to the reputation of the emperor; Caligula's rudeness supposedly ensured that on his death, Valerius Asiaticus wished he had been the assassin.¹⁸⁸ Similarly Chaerea's motives are put down to personal insult.¹⁸⁹

Such lack of respect is demonstrated repeatedly. Caligula supposedly said he was returning from abroad to the equestrian order

and the people, showing an obvious contempt for the senate, and Nero also spoke of himself and the people of Rome but not the senate at certain events (Suet. *Cal.* 50; *Ner.* 37). The fact that such words were ascribed to Caligula and Nero shows the sources portrayal of 'bad' emperors as moving away from traditions of respect for the senate towards a more autocratic and populist stance. Nero is also charged with never kissing senators when starting a journey or returning to Rome, a piece of ceremonial that would show respect for his senatorial colleagues and supposed equals. Caligula is meant to have called for three consulars in the dead of night in order to dance for them (*Cal.* 54). A fool's errand on which Caligula supposedly sent a knight showed a distinct lack of respect, making him journey to Mauretania to see Ptolemy for nothing (*Cal.* 55). In the tradition of Nero starting off well, Suetonius points out the boy's respect for the senate; he refused to allow the sons of freedmen into the senate and when a consul died suddenly he refused to allow a replacement as it would mean he would just be consul for a short period; he supposedly hated the 24-hour consul Rebilus under Julius Caesar (*Ner.* 15).¹⁹⁰

When the *princeps* made himself out to be no more than a senator he was giving credence to the hierarchy.¹⁹¹ If the emperor depicted himself as a citizen in a society of citizens, he put forward a view of the Principate formed on Republican lines. Wallace-Hadrill has shown that the term *civilitas* came to refer to just this. In fact, as an abstract noun its emergence was in the second century AD; in other words it is a term created for an Imperial ideology that looked back to the virtues of Republican behaviour.¹⁹² It could refer to both a personality and a form of governing. A show of deference to the senate became a traditional Imperial virtue. It sustained the illusion of their supremacy while at the same time demonstrating the supremacy of the emperor.¹⁹³ When the emperor rose to his feet on cue, greeted his colleagues by name and showed respect for their addresses, he honoured the senatorial structures. Tiberius even called himself a servant of the senate (Suet. *Tib.* 27–31), though in other regards he failed the test of *civilitas*.

The emperors who respected status were respecting the collective and they were often appreciated in the sources. When much of the political power had seeped away from the senate, honouring its members and its status was an idealistic and ideological decision. That other policies were possible is shown by Caligula and Nero, and, in somewhat different styles, by Claudius and Domitian, but also in the political writings of Seneca and in the panegyrical writings of Statius in which the dominance of the emperor rests not on senatorial co-operation but on other sources of legitimacy.¹⁹⁴

Such behaviours also reflected a particular vision of the order of society. Conservative emperors were, in many ways, the guardians of status. Augustus entrenched status distinctions in Law and custom, creating the senatorial elite as a distinctive order in society. Emperors often appear to have reinforced status distinctions and to have shown concerns about the accumulation of power by those outside the traditional elite, even though the Imperial position itself may have been partly responsible for these changes. In this way, an ordered and conservative view of society was established and maintained within the Imperial period. In contrast to the turbulent Late Republic Augustus' regime proposed a permanence of status distinctions and a continuation of the traditional hierarchy. His successors had a choice. They could also respect status and try to entrench it deeper with restricting freedmen and ensuring the continuation of the hierarchy, or they could ignore status and advertise a new bipolar hierarchy – the emperor and the rest. When traditional status distinctions were corrupted and the emperor portrayed himself as being above all, the result was autocracy.

Iustitia

Despite the power conferred on them by the *lex de imperio vespasiani* or equivalents, the way emperors involved themselves in the judicial procedures would ensure how they were portrayed as rulers.¹⁹⁵

Tiberius had several problems in his dealings with the senate. His frequent visits to the law courts paralysed the independence of the judges; it was claimed that when he intervened he did so in order that he could give a more moderate sentence; in fact he celebrated both *moderatio* and *iustitia* on coins.¹⁹⁶ He interceded to get the more traditional punishment of exile for the adulterous Appuleia Varilla instead of the harsher penalty as the Julian Law stated (Tac. *Ann.* 2.50). He also sent Aemilia Lepida to a nicer island of exile – Cythnus instead of Gyaros (*Ann.* 3.22). Tiberius' mother also intervened to help Urgulania. Regardless, he refused to repeal the law of *maiestas* which the informers were able to exploit and indeed expand so that his reign ended in turmoil.¹⁹⁷ Further, as Garnsey argues, the Imperial manipulation and involvement with the judicial system meant that his friends were safe, and this, at least potentially undermined the principles of the Law.¹⁹⁸ Tiberius would not only help friends, but could also intercede against enemies; he is presented in Tacitus as reviving old charges against a Vibius Serenus due to enmity (Tac. *Ann.* 4.28).

Tiberius' reign shows how problematic the judicial system was for

the emperors. A traditionally senatorial concern, the emperors' involvement curtailed their freedom and power.¹⁹⁹ The problem was that by not showing any interest in the running of the Empire, to ignore the courts completely, was to leave oneself open to attack as a tyrant who spent all day in *otium*, drinking and indulging his desires, whereas the traditional senator and magistrate was supposed to be involved in *negotium*, which required engagement with the minutiae of legal proceedings. It was thus in keeping with the Republic for an emperor to visit courts and use his magisterial office to hear cases, as Tiberius did early in his reign and Claudius was fond of doing. Conversely, too much involvement in the law courts hindered the process of justice as juries feared going against the emperor. Moreover, emperors came to be associated with the verdicts, thus opening themselves up to charges of eccentricity, as in the case of Claudius, or greed, as Caligula and Nero were.²⁰⁰ Just as the senate became more obsequious or less independent in its meetings, so too the juries worried about offending the *princeps*. Emperors were continually involved in hearings, as Millar has shown, but also simply by being there, the emperor impaired the ability of the courts and verdicts would seem to reflect his particular political and moral stance and eroded the prerogatives of the senators to dispense justice and to help their clients and peers, thus increasing their *auctoritas*.²⁰¹

Claudius involvement in the courts is criticized in most of our sources and was parodied in Seneca's *Apocolocyntosis* (12). He had a keen appetite for jurisdiction but he is seen as both arbitrary and as influenced by those around him. He even extended the season of hearing cases to make it continuous (*Clau.* 23). He was a conscientious administrator of justice, but he did not always follow the letter of the Law; Suetonius gives the example that once he overstepped the legal penalty in order to throw men to the wild beasts as he thought their crime was heinous (*Clau.* 14). Although the emperors could be seen to intimidate juries at public trials so as to acquire the verdict they wished, the right for public trial before one's peers at least brought publicity to a case and may have restrained the arbitrary use of executive power. The openness of the judicial system might be seen as one of the guarantees of justice, but under Claudius many trials behind closed doors, with Claudius at the helm, had no transparency: verdicts would simply be proclaimed to the people (Dio. 60.4.3–4).²⁰² The concentration of judicial power in the hands of the emperor suggested that *iustitia* no longer rested in the collective, who could be called upon to exercise their judgement, but was now the moral quality of the emperor, who guaranteed *iustitia* through his participation in the judicial system.²⁰³ Trials in *cubiculo* advertised the domination of the emperor over the judicial system. Other magistrates

held courts but secret trials simply induced suspicion that Imperial justice was being dished out unfairly. Almost inevitably, he was attacked because his wives and freedmen supposedly sold acquittals.²⁰⁴

Claudius' treatment of the judicial system brings out some more serious problems. His insistence on interfering in all aspects of the judicial process took power away from senatorial magistrates. Naturally, his word was final and there was no right of appeal or practical defence against Imperial malice or eccentricity (*Clau.*15). When he sentenced ignoring the letter of the Law, and with arbitrary and brutal punishments, he drew comparisons with classical Greek tyrants. In so doing, he demonstrated that his 'justice' was above and beyond the Law, and that he was the ultimate arbiter of justice in the Roman state.²⁰⁵

Caligula's interest in the law courts is depicted as capricious; he would attend in person having written speeches for the prosecution or defence and he would expect people to listen to them (Suet. *Cal.*53; Philo *Leg.* 7.42). By giving a speech Caligula was doing something deeply Republican. However, his position as emperor subverted the very tradition he appeared to be working within. His random and arbitrary attendance with written speeches created problems (Suet. *Cal.*16). Furthermore, Dio claims he suspended lawsuits so people could attend the gladiatorial games (59.7.5). Such meddling advertised his power over the legal system, and we have already seen how certain ancient sources viewed Law as a cornerstone of the Republic.

The 'bad' emperors were seen as meddling with the courts at random, giving out brutal punishments and arbitrary judgements. However, Domitian's actions were criticized on different grounds. He strove to maintain justice; he sat on special tribunals in the forum; he attacked corrupt jurors and rescinded corrupt verdicts; he was scrupulous in his administration of legal matters, so much so that the provincial governors had supposedly never been so well behaved or honest as under Domitian (Suet. *Dom.*8–9). However, his presence at the trials of the philosophers is condemned by Tacitus (*Agr.* 45), perhaps because the Imperial presence was not simply corrupting the trial but also displayed the cruelty of the emperor himself. He is also, however, cited as bringing false charges and exacting severe punishments (*Dom.*9). It was his excessive punishments that gave him a bad press. His decision to use archaic and brutal means of execution was seen as harsh and bloodthirsty and he was widely criticized for the live burial of the Vestal Virgin, even though this was the archaic punishment laid down for such a crime (Dio.67.3.3–4; Suet. *Dom.*8).

Trajan, by contrast, is said to have only attended when necessary

and when he was consul; this showed respect for the senate as it allowed them to dominate the courts and show favouritism to their friends and patrons, giving them scope to hand out their own *beneficia*.²⁰⁶ However, bringing a trial against a friend of the emperor was a worrying thing even under a 'good' emperor like Trajan, as is highlighted in Pliny's concern over just this in one of his letters (*Ep.* 1.18.3).²⁰⁷

Suetonius, who used Augustus as his stock example of the good emperor, gave his view on Augustus' judicial system as follows:

He wished his friends to be prominent and influential in the state, but to be bound by the same laws as the rest and equally liable to prosecution. (*Suet. Aug.* 56)

He even discussed with the senate a particular quandary involving his intervention in a legal case and whether he should defend a close friend Nonius Asprenas on a charge of poisoning; he was worried that his support would be seen as shielding a guilty man, whereas non-intervention would be seen as callous indifference to a friend in need. When his appearance in the case was approved, he sat on in court for several hours in silence and without even speaking to help the defendant (*Aug.* 56). Yet again Augustus is the paradigm of acceptable Imperial behaviour and we can assume that Augustus' display here was therefore appreciated by the senate of the second century. In fact, Suetonius allows Augustus one indiscretion.

But he secured the acquittal of no more than one single man, and then only by entreaty, making a successful appeal to the accuser in the presence of the jurors; this was Castricius, through whom he had learned of Murena's conspiracy (*Aug.* 56).

Augustus followed the correct form, giving a speech in his defence, and saving the individual concerned. Suetonius emphasizes this was an exception. To Suetonius, with experience of emperors whose friends were untouchable, with nobody daring to even impeach them, this would seem like Republican behaviour indeed. Although Augustus was clearly wielding his own power, his *auctoritas*, to save a possibly guilty man, it was an exception. That one man, the *princeps*, was determining justice was a far cry from the principles of collective justice in the Republic, but later sources would forgive Augustus the odd indiscretion on account of the tradition that he more often than not followed the form of the Republic.

Conclusion

Latin writers and biographers draw distinctions between good and bad emperors. Suetonius, for example, castigates Caligula, Nero and Domitian, but for the most part praises Augustus, Vespasian, and Titus. His biographies tend to list the virtues and vices of each ruler in order to categorize.²⁰⁸ However, it is clear that different standards were employed in evaluating behaviour: Titus is praised for his mastering of the harp, yet Nero is attacked for his musical exploits.²⁰⁹ Augustus and Domitian both enforced rigorous moral legislation (Suet. *Aug.* 27, 45; *Dom.* 7, 8), but Domitian is cruel whereas Augustus is trying to remedy the ills of a nation.²¹⁰ Similarly, most emperors after Tiberius gave splendid games and spectacles for the masses, but the individual emperors' behaviour at the shows would determine how such performances were received; Caligula and Claudius are cited as cruel and bloodthirsty (Suet. *Cal.* 39; *Clau.* 34). Titus also gave vast displays of an unheard of size according to Dio; at the inauguration of a hunting theatre he had 9,000 animals slain. Regardless of whether we can trust the figure as given in Dio or not, the amount is chosen to show that it was the biggest yet, including more beasts than previous contests (66.25.1). Interestingly Titus also allowed women to fight in the ring; as a 'good' emperor we might have expected the caveat from Dio – 'not those of any prominence however' (66.25.1). He shared an interest with Caligula and Claudius, but escaped censure.

This shows the thinness of the line that the emperors were walking and that much of the interpretation was down to individual perspective. It is clear that the behavioural code used to assess an emperor is that of the Republic, the *mos maiorum*. Emperors could attempt to behave in a more or less Republican fashion, and thus represent their power and regime in Republican form. However, the preceding chapters have shown that there was a fine line and interpretation of the behaviour by subjects (and sources) was key. The emperor was faced with a shifting and complex network of behaviours that individuals might represent as Republican, and which might, at times, clash. The behaviour of the emperor was political. Emperors were faced with different ways of representing their power and made a choice, and this shows there was an ideological element to this behaviour. The Republican *mos maiorum* formed the basis for the Republican ideology, and adherence to them created a Republican feel, ideologically, to the individual emperor's rule. But it was not easy to follow; Tiberius and Galba both found Republican behaviour deeply unpopular with certain sections of society. The behaviour was not just about a traditionalism; it was political and as such referred to a political system. There is no surprise in the fact that Augustus sought

to represent his regime as a continuation of the Republic, and followed suit in his behaviour, whereas the *rex Nero* sought to portray his rule in a completely different light, following a monarchic ideology that filtered into his appearance, policy and pursuits. He was every bit the king whereas Augustus was the first citizen. These were ideological constructs, and behaviour played a key role within them. It is clear that 'good' emperors are praised for following Republican precedent, whereas the 'bad' are denigrated for flouting it. The emphasis on anecdote and character in the literary sources highlight just this: it was an emperor's behaviour, his conduct, that made his reputation with the senators and it was the senators who produced history.

The behaviour of the emperor was judged against various moral concepts – *frugalitas*, *moderatio*, *pietas* — that had Republican roots and associations. The Republic functioned as a face-to-face system and behaviour was central to the acquisition and operation of status. The behavioural values that made a good Republican were those that honoured the collective, respected individuals within that collective and prevented any single person exerting dominance. These behavioural patterns continued into the Imperial period in part because of the tradition, in part because this was a political system that worked: it distributed power and ensured a certain amount of political cohesion and was thus a familiar and practical means for the emperors to bring together the political class and prevent internal conflict. Secondly and perhaps in a somewhat contradictory fashion, the importance of these behavioural patterns depended on the formation of the Principate. The Principate saw an erosion of all 'constitutional' and legal restraints upon the emperor. Politically, militarily and financially, the emperor was completely dominant. The political realities risked displaying the tyranny of the Principate, but in the absence of all other controls, it was the behavioural pressures, the ideology of the Republic as manifested in behaviours, that offered the most effective, perhaps the sole way, of demonstrating a continuing loyalty to the ideals of the collective, and also provided the aristocracy with the most powerful way of exercising influence over the emperor. As a consequence, these behaviours would inevitably become politically contentious and there would be debate over what forms of behaviour were Republican, with the more conservative emperors making attempts to associate their own regimes with these traditional values. This ideological dispute in itself is enough to explain the focus on behaviours in our sources, a focus that we see brought to a head in the biographies of Suetonius. The focus on traditional behaviours would allow those traditions to become more refined and defined. Whereas issues of *luxuria* or sexual behaviour²¹¹

in the Republic may have been fairly marginal, raised in the rough and tumble of debate, and actually secondary to attitudes towards land, veteran settlement, military policy or the operation of factional politics within the city, by the Imperial period, behaviours were the stuff of political ideology. What one wore (silks or home-spun clothes) immediately made a powerful political statement as to what one regarded as the suitable behaviours for a Roman political leader. Yet, this emphasis on traditional behaviour opens the possibility of a rejection of Republican values, an option which must have been attractive to many of the early emperors. Given that the ideology of these behaviours were effectively a technology and symbol of power by which the collective could assert its influence and attempt to discipline the emperor to its norms, a Caligula, a Claudius or a Nero might have found alternatives, which emphasized or recognized the absolute power of the monarchy, more liberating. Thus, Claudius' behaviour in the courts, where he exercised his authority in a manner unconstrained by many traditional practices, and his use of freedmen and wives in his *consilium*, demonstrate a freedom from the constraints of the collective and an idea of the position of the *princeps* considerably different from that offered by Augustus. Caligula and Nero are but more extreme examples of the same tendency, a tendency that one might label 'anti-Republican'. In this way, emperors could emerge as unconventional, inventive and oppositional figures to a dominant or hegemonic political ideology of Republicanism.

However, Republicanism was not fixed, nor necessarily an ideology that would have been hegemonic in the Republican past. Instead, it was developed from Republican traditions in the Imperial period. It was developed in the literary focus on the paradigm of the great Republican leader, and the heroes who came increasingly to bear this paradigmatic responsibility were the Catones. Cato the Elder is praised by Virgil and Horace under Augustus.²¹² Valerius Maximus, writing under Tiberius, points to Cato as the standard example of a man who led a blameless and excellent life (2.10.8). Later Imperial sources go further. Plutarch's *Cato* provides its hero with many of the traits of the good Roman aristocrat of the Republic.²¹³ Cato admired, for example, Manlius Curius who, despite beating Pyrrhus, lived in a small cottage and tilled the land himself, and once claimed that he would rather defeat a man who valued gold than hold gold himself (*Vit. Cat.* 2). There was no need for sumptuary laws for Cato; he lived a Spartan lifestyle indeed. When Cato witnessed the lavish expenditure of Scipio Africanus, he returned from Africa and denounced him in the senate (*Plut. Vit. Cat.* 3). Cato thought it more honourable to renounce luxury than to accept it; his clothes, food and insistence on tilling his own land all showed this (*Vit. Cat.* 4). His governorship of Sardinia in 198

BC saw unheard of economy and he acted with dignity, attacking demagogues, those who were too ambitious, and men in search of luxury. Plutarch even has Cato disdainfully telling King Eumenes of Pergamum that ‘a king is an animal that lives on human flesh’ (*Vit. Cat.* 6–8). In his censorship he expelled many members of the senate for immorality, including a certain Manlius simply for embracing his wife in front of his daughter (*Vit. Cat.* 17). He placed a huge tax on luxurious items; he took back public land, and had only the cheapest contractors working on it (17–18). He never turned his back on the Roman people and served the state even in his old age (24).²¹⁴ He behaved like a true Republican. It is easy to see how the Republican paradigm of a Cato could be used to show up the profligacy of the emperors and the system itself, and in doing so created a desire among some for a return to more moderate times. Thus writing about either Cato was so dangerous and set the individual in opposition to certain emperors.²¹⁵

Such a paradigm served as an intense contrast to the life of even the most cautious of emperors. Augustus himself, often praised by the sources for his moderation in these matters, lived a lifestyle of the utmost decadence in comparison to the exaggerated Roman Republican role model Cato became after his death. Naturally there are examples of magistrates who chose a more hedonistic lifestyle during the Republic, such as the *decemvir* Appius Claudius, but such men were shown as aiming at tyranny and therefore un-Republican. Throughout the Imperial period there is praise for men of the Republic such as Cato the Elder or even Brutus and Cassius. To behave well, one must behave as a good Republican gentleman did. Emperors were praised for their *frugalitas*, *moderatio*, *dignitas* and *pietas*, for their sociability and affability, for their self control and restraint. In short, the *mos maiorum* were used to evaluate the emperor. However, under the Principate there were executions simply for praising such Republican heroes in speeches.²¹⁶ Clearly a discussion of their merits could only serve to embarrass an emperor who was neither in a political position to lead a similar lifestyle nor had the inclination. The great men of the Republic served as martyrs to the cause of Republicanism, contrasting with the rulers and elite of the Principate and the various emperors, not only in how they ruled, but also in how they behaved.

The Republic was to a great extent repackaged by Augustus and then again under Trajan. Augustus brought in his moral reforms under the guise of Republican precedent. In many ways he created Republicanism and, as we have seen especially in regard to status, guaranteed that an ideal ‘Republicanism’ would continue as a powerful ideological and social force into the Imperial period. Trajan’s

rule was similarly presented in Republican terms by Pliny in his *Panegyricus* as we have seen. This was a new Republicanism, similar to that of Augustus but without the pretence of free debate; it centred on behaviour. An emperor's behaviour could embrace or renounce Republicanism. They could in themselves be guarantors of the Republic, or they could exist in opposition to its ideologies.

The texts of the period show the importance the Republic played in evaluating an emperor's rule. The discourse shows that there was a debate about the correct way to govern, and that the debate revolved around the precedent set by the Republic. The historical narrative, as handed down to us, shows that there was opposition to the emperors, of varying strengths, by people who saw the emperors as not acting in line with the Republican precedent set before them. This section has shown how seemingly small behavioural patterns tapped into this debate and helped create popularity for, or opposition to, each emperor. Who the emperor consulted mattered. Where he spent his time mattered. To whom he gave gifts, the way he dispersed his patronage, the clothes he wore, the parties he gave or attended, the money he spent was all viewed in our period through the prism of this debate concerning the correct behaviour, the correct morality and the correct position with regard to the Law of the emperor. The behaviour of the emperor was political.

Conclusion

Winterling has pointed out that Caligula, Nero and Domitian all attempted to escape the paradoxical entanglements of the Imperial position and were murdered and had their memories desecrated as a result (2009, 158). This is an accurate description of the tight rope the emperors walked during the first century AD. Republican institutions survived alongside new Imperial ones. The *mos maiorum* were used as a system of evaluation for their behaviour. When the emperors were seen to be too monarchic, or not behaving in line with the Republican traditions, they were attacked both in the sources and in their lifetimes. Of the many types of opposition to the emperors, this work has outlined a Republican opposition. There was an ideological debate at work, and even acting the Republican, making a show of the *mos maiorum*, could lead to death. Indeed, the discourse of the first century AD and beyond is shot through with this Republicanism, which is clearly indicative of the power relations at work during the first century. The Republic was argued over; some emperors attempted to destroy it by attacking its protagonists; some tried to claim it for themselves as indeed Augustus had done. The sources tell us men died trying to restore the Republic. They tell us men were prosecuted for praising the heroes of the Republic. They show us that behaviour was political, and that behaving in line with the *mos maiorum* could be read as anti-Imperial. At the same time the discourse of the period shows a debate concerning how an emperor should govern. The discourses serve as the monuments to the debate, showing that there was a Republican ideology prevalent throughout the first century AD. The narratives of the events of the period show us that the Republic meant quite a lot to certain members of the elite, if no one else, and that an individual's love for it could lead to prosecution. It is precisely because of this Republicanism that so many emperors found it hard to rule; any move away from the perceived *mos maiorum* could create opposition. In turn, emperors often felt forced to prosecute those who paraded Republican behaviour. This could be seen as an attempt to break the hold that the Republic, its memory, and Republicanism had on the first century AD. Such a reading of the first century AD makes sense of the discourse; the *Panegyricus* is not simply fulsome praise. It is an Imperial answer to the Republicanism of the first century AD. It also explains why a man could be prosecuted for his strict adherence to the traditional Roman *mos maiorum*, or why Nero's acting was indeed such a problem.

It is clear that Republicanism as an ideology was separate from mere constitutionalism or legalism; it came to centre on behaviour in the Imperial period with the great Republican leaders such as the Catones as the ideal. Naturally, die hard Republicans may still have wished for a restoration of the Republic, but after AD 42 such attempts seem to cease. This in itself allowed the development of Republicanism as an ideology, separate from a desire for a different constitutional settlement, and even one which was adopted by Pliny's Trajan and became an ideal hegemonic ideology.

Republicanism grew in strength after Augustus; it was that emperor who helped to invent it with his insistence on the following of Republican form and the *mos maiorum*. After him, and because of him, Republicanism became an ideology in itself. It was not simply the desire for restoration or legalism or constitutionalism; it was a whole mode of behaviour and set of values – an ethical code for the elite to follow. Contrary to popular belief this ideology not only existed in the first century AD, but it flourished and it affected the regimes themselves. Opposition to Republicanism found voice in emperors like Caligula and Nero, but even under the likes of Claudius and Vespasian Republicans were attacked. Once militant Republicanism had dwindled, the danger to Imperial regimes lay in its popularity among the elite and the criticism its adherents fired at the emperor, however subtle. They could stop complying with Imperial commands if they felt they were too extreme and show discontent while preaching Republican values. Hence its proximity to stoicism.

Contrary to popular belief, the politics of the first century AD was in fact an ideological battleground. The political and ideological interactions of the period were complex and sophisticated as various and varied Imperial regimes had to contend with the ideology of Republicanism. An emperor could attempt to promote his own very different ideology, as a Caligula did with regard to religion or a Nero did on the stage, or the *princeps* could attempt to embrace Republican ideology. This in itself was extremely difficult, as Tiberius and Domitian found out. The path the *princeps* would have to follow in order to act as a Republican was riddled with pitfalls, where his behaviour was always on show and always evaluated against the complex and idiosyncratic Republican *mos maiorum*.

Emperors who denounced outright Republican morality and behaviour were often assassinated, such as Caligula, Nero and Domitian. What it meant to be a Republican, or the expressions of Republicanism, changed in our period. Under Tiberius there were conflicting claims on the Republican mantle by both the regime and the likes of Cordus; such attempts to appear Republican by Tiberius show its importance as an ideological flag. It's evolution as a clear

oppositional stance was complete by the time of Caligula, as he had no interest in appearing Republican. This led to a full-blown attempt at restoration. But, evidence of militant attempts to force a restoration is lacking after AD 42 and instead the moral form of opposition increases in frequency. Republican and Imperial ideology was in constant flux and there was a continuing debate concerning the best way to govern the country. Emperors who realized could therefore claim to be Republican. The ideology of Galba's regime or Pliny's *Panegyricus* is evidence of that. In many ways Republicanism is an Imperial invention. Augustus' insistence on showing continuity with the Republic in terms of his legal position, the portrayal of his own morality and his traditional behaviour, showed an understanding of the power of Republican ideology. As emperors moved away from this, opposition formed on precisely those lines; men complained of the morality and behaviour of the emperor or saw the Law as an instrument of the oppressor instead as the guarantor of individual rights.

Despite emperors continually packing the senate with loyal subjects and despite the countless deaths of dissidents over the period, Republicanism as an ideology developed. Republicanism – the desire for behaviour, morality and even a government more in line with that of the Republic – survived. It underwent changes, from a militant desire to restore the Republican 'constitution' to more of an elite code of conduct. Its adherents followed different strategies at different times to try to undermine the Principate; attempts at armed revolution, withdrawal from public life, displays of obvious moral outrage, sarcastic flattery, and deliberate discussions over the trivial were all thrown at the *princeps* by members of the senate. And the senate was important. The senate, after all, had the power to declare the emperor a public enemy or even blot out his memory and rescind his acts.¹ The senate also wrote the history.

Pliny attempts to address the concerns of the Republicans, to reconcile them with the new Imperial system. It is an attempt to use Republican ideology in the service of the emperor, to validate his rule. But it is not mere propaganda. Republicanism had become an elite code, centring on behaviour. Pliny was attempting to show that Trajan followed just such behaviour and was therefore a Republican emperor. Augustan Republicanism is repackaged for AD 100.

It has been the object of this work to show that during the first century AD there was indeed a Republican ideology and it was separate from simply constitutionalism or legalism. Moreover, it was prevalent throughout the period; it existed; it changed; and finally it influenced the Imperial government itself. Republicanism, as an ideology, came to be a mode of correct behaviour and values, and

even became an ideal hegemonic code. It is this fact that explains both Tacitus' claim that Nerva united the Principate and liberty (*Agr.* 3.1) and Pliny's view that the Republic existed under Trajan (93.3).

Notes on Introduction

- 1 *Ann.* 16.16.
- 2 See Chapter 1 for a discussion of Cordus. See Rutledge (2001, 96, 351) for doubts expressed over his Republicanism.
- 3 The following year *Entretiens Sur L'Antiquité Classiques* published *Opposition Et Résistances A L'Empire D'Auguste A Trajan* which brought together a variety of pieces by the likes of Momigliano, Yavetz, Levick, Giovannini, Bowerstock and Zehnacker (1987). Despite Levick's article showing, for example, the struggle over who was to control the Treasury, emperor or senate, or Zehnacker's article on the Imperial coins that followed Republican types, there was no real advance on the idea that the opposition was basically by ambitious individuals.
- 4 Gowing's recent book *Empire and Memory* will figure prominently in this work as I both draw upon his work and fundamentally argue with his conclusions concerning Republicanism.
- 5 All will be discussed in much more detail in Chapters 1 and 2.
- 6 *Dio* 57.24.3; *Suet. Tib.* 61; *Tac. Ann.* 4.34–6.
- 7 *AJ* 19.167–9; 173; 178; 187; 230–4; *Suet. Cal.* 60; *Dio* 59.30.3; 60.1.1.
- 8 *Ipse placita maiorum colebat, habitu severo, casta et secreta domo, quantoque metu occultior, tanto plus famae adeptus* (*Tac. Ann.* 14.22). He was married to the daughter of L. Antistius Vetus, another admirer of ancestral traditions (Rudich 1993, 46; See also *Sen. Quaest. Nat.* 7.21.2). All translations are taken from the Loeb editions, with the exception of Josephus, where I have used Wiseman (1991) and the *Res Gestae*, where I use Brunt and Moore (1967). I have also adapted some translations myself.
- 9 *ne ad libertatem oreretur, vel delecto imperatore alio sui muneris rem publicam faceret*. Defining such Latin terms as *libertas* and *res publica* is notoriously difficult but in the last example *libertas* clearly refers to the Republic (government by the senate) while *res publica* could mean 'state'.
- 10 The *mos maiorum* are defined and discussed in detail later. See page 17.
- 11 His father had been executed under Tiberius; *Suet. Tib.* 61.
- 12 *RIC*1, 193–5.

- 13 *BMC* I xcii, 292, nos 12 and 13; See Hammond (1963, 99–100) for more detail. His coins also depict the Freedom of the Roman People; The Genius of the Roman People; Mars and a liberty cap; Victory of the Roman People. All these clearly show a tendency to Republican imagery (*BMC* I cxc–cxvi; cciv–ccix). The coins of Vindex go back to Augustan practice with *Libertas P.R.*; *Libertas Restituta*; *Roma* (Shotter; 1978, 247; *RIC* I 181–90). Despite the Republican propaganda on the coinage in AD 68 Shotter feels that most suggest any new start should take Augustan principles as its foundation (1997, 80).
- 14 Foucault (2002, 182).
- 15 2002, 155.
- 16 2002, 214.
- 17 See Foucault (1978, 97).
- 18 For example Livy published the first five books of his *History* before 25 BC, but was writing about the foundations of Rome and the Early to Late Republic. Tacitus was probably born around AD 55–6 and Suetonius was born around AD 70, yet his *Lives of the Caesars* starts with Julius. Dio could not have been born earlier than AD 155. Secondary historians discussing the varied literary sources will be used and discussed throughout the work, but some of the most important general works are listed here. Modern scholarship on Livy relevant to this include works by Walsh, P.G. (1955); Syme, R. (1959); Petersen, H. (1961); Dunkle (1971); Seager (1977); Miles (1986); Miles (1988); Luce (1990); Feldherr (1997); Feldherr (1998); Champlin(2000). Tacitus has been widely studied and written about. Some of the most important works are listed below; Nesselhauf (1952); Bardon (1953); Bruere (1954); Syme (1956); von Fritz (1957); Costa (1969); Tanner (1969); Percival (1980); Martin (1981); Keitel (1984); Boesche (1987); Barnes (1986); Sage (1990); Morford (1991); Shotter (1991); Brink (1993); Bartsch (1994); Luce and Woodman (1993); Haynes (2003). On Suetonius the following make important contributions; Potter (1999); Morgan (2000); Wilson (2003). For Dio; Millar (1964); Fishwick (1990); Dihle (1994); Wardle (2005).
- 19 See De Ste. Croix on the difficulties of reconstructing the motivations of those in the past (1990, 133).
- 20 He gives the examples of Pliny, Fabius Rusticus and Cluvius Rufus (2005, 248).
- 21 See Mellor (1999, 11); Levene on speeches in Tacitus (2009, 212–24); See also Miller (1968) and Nordling (2006).
- 22 Bartsch (1994) and Rudich (1997) both give great detail on its nature during our period. A couple of examples will suffice here. Rudich points out how, for example, the misrepresentation of

Nero's ancestor Domitius (in Lucan's *Pharsalia*) into a courageous man who fought Caesar until the end could be read as praise for Nero or as a contrast to Nero's depravity by a dissident reader (1997, 117). Similarly, Bartsch shows how Tacitus deploys Maternus and a poetic recitation to make the *Dialogus* itself a model of literary doublespeak that draws on the potential of poets to be the new media for political protest when free speech is not allowed (1994, 101).

- 23 Traditional prosopographical approaches are, of course, useful. Syme's work on the Roman Revolution (1939); Jones' work on Domitian (1992) or, for this book, work by Arkenberg (1993) on the families Licinii Murenarum, Terentii Varrones, and Varrones Murenarum are key to giving the familial context. But prosopography can also lead to misleading conclusions, replacing the intellectual or ideological connections between individuals for a familial one. De Ste. Croix also warns about relying on prosopography alone (1990, 351).
- 24 On Tacitus' views on Thrasea and Agricola, see Alston, *Living with the Past* (forthcoming, 198–9). For Tacitus' political beliefs there is a wealth of literature. Benario feels Tacitus' *Annales* show his deep dissatisfaction with the Principate and get darker in mood as they progress (1991, 9–11). See also Boissier (1906); Nesselhauf (1952); Syme (1956 and 1979); von Fritz (1957); Dorey (1969); Tanner (1969); Dunkle (1971); Martin (1981); Percival (1980); Keitel (1984); Barnes (1986); Boesche (1987); Sage (1990); Morford (1991); Shotter (1991); Brink (1993); Luce and Woodman (1993); Wilson (2003).
- 25 See Cartledge (1975, 30–40) on Augustus being forced into 'restoring the Republic'.
- 26 See Chapter 1. See also Rutledge (2001) on informers in general.
- 27 See Wardle (2005, 248) on Nero and Orestes, and Kragelund (2000) on the myth of Nero after his death as propagated by Galba and handed down in the sources.
- 28 For a review of the sources on Nero see Shotter (2008, 1–10).
- 29 The following serve as nice introductions to some of the problems and themes of ideology; Freedman, M., *Ideology* (2003, Oxford); Heywood, A., *Political ideologies – An Introduction* (2007, New York); Eagleton, T., *Ideology – an Introduction* (2007, London).
- 30 Ando (2000, 20). Although Ando suggests that his use of the word is in contradiction with two basic tenets of modern scholarship on ideology – namely that they are dependent on a system of mass communication and that they exist primarily to propagate the working class's submission to the rules of the established order. Ando's defence of the applicability of the concept of ideology to

the ancient world, which is a pre-modern society, reflects the fact that much of the contemporary concern with ideology in modern literature comes from Marxist and Marxist-inspired debates.

- 31 See Hegel, G. W. F. *The Philosophy of History* (New York, 1956) [trans. J. Sibree].
- 32 Marx, K. and Engels, F. *The German Ideology* (Moscow, 1964) and *Capital* (Moscow, 1887).
- 33 Gramsci, A. *Selections from Prison Notebooks* (ed. and trans. Q. Hoare and G.N. Smith, London, 1971).
- 34 This is not the place for a commentary on the changing nature of ideology since Marx, but key figures who took the term forward are Karl Mannheim, *Ideology and Utopia* (London 1936) and Gramsci (1971). Although Louis Althusser continued to see Ideology as retaining hegemony for capitalism (*Essays on Ideology*, London 1984) and that Ideological State Apparatuses (ISAs) propagate that hegemonic ideology, he also saw such ISAs (for Rome – temples, the baths, reading rooms, places of learning) as places where there can be disputes and where the battle of ideas is fought, as Alston points out ('Post Politics and the Ancient Greek City' in R. Alston and O. van Nijf (eds.) *Politics in the Greek City after the Classical Age* (Leuven, forthcoming); See also Althusser, *On Ideology* (London 2008).
- 35 *History and Class Consciousness* (1971) and *Political Power and Social Class* (1973) respectively.
- 36 2007, 101.
- 37 *Essays in Sociological Theory* (1964). For example Clifford Geertz sees ideologies as ordered systems of complex cultural symbols which act as representations of reality, providing maps for different groups to use in order to orientate themselves in society (his 1964 article is reprinted in *The Interpretation of Cultures*, London 1993).
- 38 One can compare modern nationalistic struggles for independence which were often led by those who were most adept in the Imperial culture and the nationalistic ideology could be said to stem from that Imperial culture. A perfect example of this is Gandhi.
- 39 2009, 1.
- 40 See Purcell (2005, 102–3).
- 41 2007, 2–3.
- 42 1986, 335.
- 43 2000, 23.
- 44 2000, 26.
- 45 See for example Shotter (1997, 40–59); Griffin (1984, 208–20); Grant (1970, 86–7); Warmington (1969, 108–22) to name but a

few. On Hellenisation see Edwards (1993, 22ff).

46 2007, 221.

47 Heywood (2007, 3). On the other hand, Habermas tries to break down the idea that collective groups subscribe to particular ideologies (Ando 2000, 22).

48 The *De Clementia* has been thoroughly debated in modern scholarship. Although we will discuss individual views later. Important authors include Altman (1938); Korfmacher (1946); Griffin (1976); Sullivan (1985); Rudich (1993 and 1997); Cooper and Procope (1995).

49 In fact, Bartsch has even written a book about Lucan called *Ideology in Cold Blood*. Statius will not figure prominently in this thesis but for a discussion of Statius' attempt to retreat into private life and away from politics see Newlands (1991). For a discussion of his work in the context of clandestine attacks on Domitian and Domitian's society, see Ahl (1984) and Newlands (2002). See also Geyssen on his panegyric poems (1996).

50 Foucault would see the differences in ideology between the two tracts in quite different terms. As Alston has argued, for Foucault, Seneca is subject to a considerable disciplinary effort by which the good citizen is created, as is everyone else. Ideology is represented in all discourses, is to be found everywhere, and is inescapable. For Foucault, since ideology is maintained irrespective of sovereignty, there is no radical change from Republic to Empire and the differences between the monarchism of *De Clementia* and the Republicanism of the *Panegyricus* are slight and of limited significance ('Post Politics and the Ancient Greek City' in (ed.) R. Alston and O. van Nijf, *Politics in the Greek City after the Classical Age*, Leuven, forthcoming). See M. Foucault, *Le Souci de soi* (Paris 1984). Alston argues that Seneca was attempting to show that the wise man can internalize the ideology of the citizen and engage in society in such a way as to propagate those values independent of sovereign political power, whereas for Pliny the emperor needed to behave as if the senate retained sovereignty. Alston argues that both texts reflect an Imperial politics, structured around an understanding of the pre-eminence of the emperor. My analysis accepts that Imperial context, but argues that the differences between Senecan monarchism and Plinian Republicanism reflected significant ideological differences.

51 V.N. Voloshinov, *Marxism and the Philosophy of Language* (1929, New York 1973). See Eagleton (2007, 194–5).

52 Eagleton (2007, 151), in discussion on Geertz's 'Ideology as a Cultural System', in *The Interpretation of Cultures* (1978).

53 See *Outline of a Theory of Practice* (1977, Cambridge).

- 54 As explained by Eagleton (2007, 157).
- 55 Ando points to Béranger's demonstration that the Republic and monarchy coexisted, explicitly and implicitly, in literary texts and documentary evidence (2000, 28; Béranger 1975, 259). In that case it seems logical and to be expected that the Imperial ideology may have had to contend with a Republican ideology.
- 56 1987, 1–3.
- 57 Foucault (1985, 3).
- 58 2004, 27.
- 59 Morley (2004, 75).
- 60 2009, 11.
- 61 Republicanism was defined in much broader terms, and likened to modern day Republicanism, in Wilson (1989). But see Lintott for a critique of his broad definition, especially on Wilson's use of the term to cover different ideologies (1990, 506). In this work, it is an ideology.
- 62 Politics and morality were in any case seen by the Romans as inseparable; that is precisely why the *mos maiorum* were supposed to be both protected by, and handed down to future generations by, the political elite. On morality in Roman politics see Smethurst (1955); Ferguson (1958); Walbank (1965); Levick (1982); Earl (1984); Lind (1992); Edwards (1993); Sklenar (1998).
- 63 1974, 280–1.
- 64 1974, 282.
- 65 1950, 121.
- 66 1986, 46.
- 67 1974, 284.
- 68 See also Mackie (1986, 328).
- 69 See for example *Ann.*4.19 on Tiberius pretending the Republic still existed; 13.28 on the appearance of democracy on the discussion of the *Quinquennium Neronis* (1974, 285). Although Mackie (1986, 330) feels it was clear to Augustus that the *res publica* was not what it had been pre-49.
- 70 There are conflicting opinions on this issue. Traditionally the senate was seen as in control and as such manipulating the popular assemblies by the likes of Gelzer (1912); Scullard (1973); Bleicken (1974); Gruen (1974); Meier (1980). Millar sees the Republic as a lot more democratic and as the plebs having much more power than originally thought (1984, 1986, 1989, 1995, 1998). Lintott agrees (1987). Mouritsen questions the use of asking the question whether the Roman Republic was democratic in the first place and shows the tendentious use of the term *libertas* in political discourse (2001, 7–10). He also points out that

- actual participation in the democratic process was limited by the physical aspects of the city itself and the growth rate of the Empire (2001, 32). Wiseman argues against Mouritsen (2009, 2).
- 71 Mackie sees Augustus as transforming the concept of *res publica* while presenting his government as a *res publica* (1986, 334). Perhaps in the short term, but Tacitus still uses *res publica* often simply to mean the pre Augustan government.
 - 72 For convenience the Latin text is included in this section which defines certain important terms. Elsewhere the Latin is left out; academics will have access to the Latin texts whereas the general reader will probably not be interested.
 - 73 For the purpose of this work *res publica*, in whatever number and case it appears, will be left simply as *res publica*.
 - 74 See Judge (1974) for the controversy surrounding *res publica restituta*. The coin described in Rich and Williams (1999) which portrays *Leges et Iura PR Restituit* clearly shows that Augustus did claim a restoration of some sort, regardless of whether *PR* is thought of as *Populi Romani* or *Populo Romano*. Tiberius Gracchus, Saturninus, Cinna and Sulla were all accused of aiming at or achieving a *regnum* (e.g. Sall. *Jug.* 31.7; Flor. 2.4.4; Sall. *Hist.* 1.64; 1.31; Wirszubski 1950, 62).
 - 75 The consensus is that Augustus is not claiming he restored the Republic; see Cooley for an excellent discussion of the argument (2009, 258ff). However, Cooley believes that instead of claiming to have restored the constitution of the Republic, he is stating that he has restored constitutional government. The point is therefore still true that he is representing a restoration of some kind, as will be discussed later.
 - 76 There is controversy over whether Augustus' building programme, with such vast enterprises as his 300ft diameter Mausoleum, would have made it obvious to Romans that he was setting up a monarchy. Millar suggests it may have been clear (1988, 57–8). Patterson in contrast argues that heroes of the Republic had been buried on the Campus Martius before, such as Sulla, and that large family tombs were nothing new (1992, 198).
 - 77 Moreover, the term *libertas* was used to denote the old Republic by Tacitus and Suetonius. Such as Tac. *Hist.* 1.16; *Ann.* 1.3; Suet. *Aug.* 28.1 (Brunt 1988, 323). Lucan also professes a serious change between before and after the civil war; 'Freedom, banished by civil war, has retreated beyond the Tigris and the Rhine, never to return; often as we have wooed her with our life blood, she wanders afar' (7.432–6). He claims civil war ended *libertas*. Regardless of whether this is in the sense of the political system, or simply in the sense that the emperors (and so the

Principate) curtailed freedom, it denotes a serious change. He speaks of the civil war in strong terms; ‘The never ending contest between Liberty and Caesar and when he [Pompey] had fled from Pharsalia, the senators proved by dying that they had fought in their own quarrel’ (7.695–7). Even if we look at the time of Caesar, Cicero makes it clear that the Republic was all but lost under his reign and that his assassination seemed to have achieved liberty once again (*Phil.* 1.13; 2.42; *Ad Att.* 10.4; *De Off.* 3.21). Wirszubski notes that it is clear what the *res publica* meant for Cicero and senators of his age; it was both a form of government and a way of life, allowing free competition between the elite for glory and the chance to display their abilities (1950, 88). For example; ‘Then at last it did seem we had achieved liberty through most heroic men, for, even as they had wished, in the train of liberty came peace’ (*Phil.* 1.13).

78 See Lintott (1999, 5) on the changing nature of *mos maiorum*. Also Tacitus (*Ann.* 11.24).

79 Wallace-Hadrill gives the example of Roman funerals in Polybius (6.53) and Sallust (*Jug.* 5–6).

80 See Earl on the overlapping of political and moral spheres (1967, 11–43).

81 See Miles (1988, 192). For a summary of the life and works of Sallust see Paul (1966, 85–114).

82 Moreover, even the supposedly good kings are often attacked for a variety of reasons that can be equated to flouting the *mos maiorum*. Even Romulus alienated the Roman aristocracy (1.15.8); Numa invented stories about his links to the gods (1.19.4) and Servius Tullius acted alone when he instituted the social stratification of Roman society (1.42.3). See Miles (1988, 196) for a discussion. This issue is complex; when the ‘good’ kings are praised in our sources, such as Servius Tullius, it is for such desires as wishing to stand down or allowing their position to be ratified by the SPQR (Livy 1.48). For attacks on kingship in general see Plutarch who even has Cato disdainfully telling King Eumenes of Pergamum that ‘a king is an animal that lives on human flesh’ (*Vit. Cat.* 6–8).

83 Miles (1988, 202–3). See Champlin on Camillus’ speech to the Romans begging them not to abandon the city as being full of examples of good behaviour from the past (2000, 86–9).

84 All references to Livy hereafter refer to his work *Ab urbe condita libri*.

85 *Cat.* 5.

86 For example, in Livy Hannibal was cruel, a liar and had no regard for religion or honour (21.4); his men likewise were prone to

luxuriousness (23.18). On the other hand Livy's heroes, the heroes of the great Republic, are pictured showing all the key social virtues including *pietas*, *virtus* and *clementia* (See Walsh 1961, 55). These virtues were also accentuated by Augustus in his search for continuity with the Republic. See Chapter 5 for a discussion of *pietas*. By showing any opposition to be, normally, the act of immoral individuals, Livy is himself advocating the *mos maiorum*. This powerful collective morality was fundamental to the Republic. Sallust depicts Catiline as ridden with vice (for example *Cat.* 15); Levick discusses the fact that the ancient writers put the fall of the Republic down to vices such as *ambitio*, *avaritia*, *luxuria* and *libido* (1982b, 52). Boesche shows that even Tacitus does so (1987, 200; *Hist.* 2.38). Even Livy, who usually paints a rather rosy picture of the Early and Middle Republic, still chronicles some opposition. His account of the enemies of Rome and the struggle of the orders often cites moral weakness, both collective and individual, as a reason for opposition. For instance, it was the commons' blind and greedy stampede for liberty that ended in the rule of the *decemviri* (3.37).

87 1955, 119.

88 *ante nostrum memoriam et mos ipse patrius praestantes viros adhibebat, et veterem morem ac maiorum instituta retinebant excellentes viri (De Re Publica 5.1.2).*

89 For a view that the *mos maiorum* had ceased to have any defining power by the end of the first century BC see Takács' discussion of Blösel (2009, 8).

90 For example Sallust's Cato (*Cat.* 52.23); See Levick (1982b); Wallace-Hadrill (1990, 92).

91 Scholars have already shown that the Romans did not just see their Republic as a constitutional set up, but something more abstract, involving just such concepts as the morality and *mos maiorum* (See Lintott, 1999). This in itself explains why Thrasea Paetus is portrayed as being executed for having the look of a stern schoolmaster (Suetonius, *Nero* 37). The *mos maiorum* was political and too stringent adherence to them could be read as oppositional by the emperors for precisely this reason. Hence the accusations levelled at Thrasea Paetus. See Chapter 2.

92 2005, 15, 25.

93 2003, 7.

94 See Adcock (1959, 52).

95 1986, 5.

96 Wilson sees it from another angle; 'those uneducated in traditional values and religion would make poor patriots of the Republic' (1989, 4).

- 97 2009, xviii–xix.
- 98 2009, 3.
- 99 Murgia (1980, 104).
- 100 Radice has seen the *Panegyricus* as a kind of manifesto of the senate's ideal of a 'constitutional' ruler – chosen because he is qualified, showing *obsequium* to the will of the people and having a sense of service to his country (1968, 168). Syme also (1938, 223). Hammond thinks it is safe to assume that Trajan tried to be 'constitutional' and Pliny compromised between Republicanism and an acceptance of the Principate (1938, 121). Morford sees the *Panegyricus* as an attempt to define *libertas* under a monarchy, the central attitudes being *obsequium* and *modestia* (1992, 575–6). That Pliny is obsessed with proving his own sincerity due to the adulation and doublespeak so entrenched in senatorial literature does not really concern us (Bartsch 1994, 161–84). That Pliny glossed over certain uncomfortable realities, such as Trajan's rise under Domitian, the role of the army in his accession and the fact he had equal power to his predecessor is also not relevant to the points made here (Hammond 1938, 122 and Bartsch 1994, 166). That Pliny called Trajan *dominus* in his letters shows the reality of power, but does not change the text of the *Panegyricus* (Ep. 10.59, 83).
- 101 It should be pointed out that in the same article Yavetz also shows that Pliny's claim that Trajan was unequalled in the arts of peace could be true based on his attention to the agricultural situation and commercial prosperity of Italy, as well as the food supply and inscriptions that support these claims (1987, 162–3). If Pliny is correct on this issue, the Republicanism of the work should also be investigated.
- 102 Statius *Silvae* 4.1 on Domitian's seventeenth consulship, with its constant reference to Janus (lines 13, 44), Minerva (22) and Jupiter (47) is a far cry from Pliny's Republican language. See Geyssen (1996) for a discussion of Statius as Imperial panegyric. For a reading of Statius as paralleling Flavian evocations of Augustan Rome see McNelis (2007, 7). Some of Martial's epigrams could also be seen as panegyric; on Martial's flattery of Domitian see Howell (2009, 67ff). On Calpurnius Siculus and Statius see MacCormack (1975, 149ff). The mock panegyric at the beginning of the *Pharsalia* is another example, albeit a sarcastic one.
- 103 References to a *rex* at, for example, 1.7.1; 1.13.1; 1.16.1.
- 104 Takács, for one, feels that by the time of the *De Clementia* people had grown accustomed to such language and had accepted the monarchy (2009, 56).
- 105 Which reminds us of Cato in Lucan's *Pharsalia* (9.373).

- 106 The portrait of Trajan in these first 20 chapters is so contrived and conservative that one could be forgiven for thinking one was reading about a hero of the Republic. Not only are Trajan's military exploits written in such a way but Pliny even compares him to Fabricius, Scipio and Camillus. In fact, the praise is somewhat formulaic, and echoes praise of Republican generals as handed down to us by, for example, Livy (such as Camillus' consultation of the senate and respect for the law; 5.20). Furthermore, Pliny makes it clear immediately that Trajan is a citizen and a senator; 'one of us' (2.4). He was adopted from the whole citizen body due to his virtues, which are continually extolled (e.g. 20.2). This is a far cry from the ideology portrayed by a Caligula, Nero or Domitian. Pliny refers to the adoption of Trajan as leading to the security, happiness and even freedom of the senators.
- 107 'We are ruled by you and subject to you, but no more than we are to the laws, for these too must regulate our desires and passions, always with us and among us' (24.4).
- 108 This is an argument which, as we shall see later on, plays on Livy's view that the Law was the essence of the Republic, and Tacitus' view that Law had become the agency of Imperial oppression.
- 109 Morford (1992, 585–6).
- 110 1992, 590.
- 111 See Chapter 3.
- 112 Under previous emperors, the support of the senate had been fatal. Pliny explains of Domitian, 'he hated everyone we loved – but we felt the same about his favourites. Today, *princeps* and senate are rivals in their affection for all who most deserve it' (62.3–4).
- 113 See also 70.8.
- 114 Although the word must be used with caution; like most political terminology it is manipulated and tendentious. Mouritsen shows how *libertas* was used by men from Tiberius Gracchus to Catiline to Cicero, the last two men using it to describe their purpose in a contest between each other (2001, 9). See Introduction, Definitions section.
- 115 See Roche for a discussion of the propaganda and ideology surrounding Trajan's portrayal of his family as subordinate to himself (2002, 41–60). See Edwards for a discussion of female sexual licence as indicative of social disorder and a corruption of Roman morals (1993, 43–7).
- 116 Contrast with the withdrawal of Thrasea Paetus that directly led to his prosecution and death. See Chapter 2.

- 117 Gowing (2005, 6).
- 118 Note that even for it to be obsequious the term must have had desirable connotations, even if only those of *res publica* against Domitian's *res privata*.
- 119 Clearly the Imperial ideology would differ from emperor to emperor and the Republic was steeped in myth and legend, yet also open to change and development, although it was more stable due to its basis in the traditional and not the moment.
- 120 Rudich sees this work as an explanation by Seneca of his own position, as *sophos* to a *basileus* (1993, 14).
- 121 This contradicts the usual accession speeches of emperors, who normally insist on sharing power. Tacitus has Nero do likewise in a speech written by Seneca himself (Griffin 1976, 140).
- 122 Earl (1984, 59) cites hatred for the term in Livy (38,54), Sallust (BC 5.6) and Cicero (*Ad Att.* 8,11,2).
- 123 Cf. 1.7.1; 1.13.1; 1.16.1.
- 124 Griffin has shown that Seneca owes a lot to Hellenistic kingship treatises of the past (1976, 146) and, indeed, Book 1 reads as such. There is still the contrast between the king and the tyrant, in terms of *clementia* and *crudelitas* (1.11.4–13). What is original here is that Seneca takes an individual virtue.
- 125 Cf. 1.1.20.
- 126 Cooper and Procope point out that this same theme would later crop up in Pliny's *Panegyricus* (1995, 124). But Pliny's insistence is that the emperor obeys the laws, not that the emperor is the law.
- 127 Xen. *Mem.* IV.6.12; Arist. *Pol.* 1285a 25–9.
- 128 Wirszubski (1950,152); Syme also comments on this transition from Cicero's *Pro Marcello*, to Seneca's *De Clementia*, to what he calls the complete flattery of Pliny's *Panegyricus* (1958, 95). Moreover, Cicero had shown that the rights of the citizen were no longer guaranteed by Law when he wrote *Pro Marcello* and *Pro Ligurio* as they showed that if a man fought on the losing side his life depended on the clemency of the victor, not the Law (Wirszubski 1950, 152).
- 129 If we date the *lex de imperio vespasiani* to the reign of Caligula there had been no radical reform in the constitutional arrangements since AD 55. See Brunt (1977).
- 130 Syme (1958, 95).
- 131 2005, 123–4.
- 132 2005, 125.
- 133 2005, 130.
- 134 2005, 130.
- 135 Scholars such as Lind (1986, 90), MacMullen (1967, 2) and McAlindon (1956, 132) all discount Republicanism.

- 136 Such a debate may indeed explain the strength of opinion against Seneca and why, for example, Dio refers to Seneca as teacher of a tyrant (61.10.2). See also Tac. *Ann.* 13.42.
- 137 2009, 5.
- 138 2009, 8–9, 32. For a discussion of the difficulties in dating Sallust's *Catiline*, see Mackey (1962).
- 139 Syme (1958, 95).
- 140 1978, ix, 1. They explain that 'to argue that the foundation of the political thought is ideological is not to disparage them but to offer an explanation for the very existence of their theorising, the reason for its being' (1978, 1).
- 141 1994, 183. Tacitus also has Galba complain that he is addressed as an emperor and not as himself (*Hist.* 1.15) and Boesche points out the fact that despotism corrupts the language and Tacitus is at pains to make that clear (1987, 206).
- 142 See Bartsch (1994, 181). Morford has shown the language and style was chosen for the political nature of what Pliny wished to say (1992, 578ff).
- 143 It is probable that the *Agricola* predates the *Panegyricus*, with a usual publication date of AD 98 being ascribed to it, as opposed to the *Panegyricus*' AD 100–1. See introduction to Loeb ed; Martin (1981, 39). For a date of October AD 97 to January AD 98 see Woodman (2009, 31).
- 144 MacMullen sees *libertas* as having a more moral than political meaning by this time (1966, 69). But in Ancient Rome politics and morality were very closely linked.
- 145 See Kennedy (2004, 31) for a discussion of the shifting meaning of terms in ancient history.
- 146 Van Hoof (1990, xiv–xv).

Notes on Chapter 1

- 1 Giovannini points out that even a Domitian was not killed by Republican idealists, but by a steward of Domitilla (1987, 231). One wonders how he knows the ideals of the steward.
- 2 See Introduction and G.Boissier (1913); Taylor (1949); Wirszubski (1950); McAlindon (1956); Ronald Syme (1960); MacMullen (1966); Lind (1986); Giovannini (1987); Rudich (1993); Rutledge (2001); Gowing (2005).
- 3 Parallels with Marxism and ultra-nationalism suggest themselves; see Introduction.
- 4 See Wiseman for a definition of *partes* as being the usual Latin word for a political or ideological grouping (2009, 7).

- 5 Taylor sees the *optimates* of the Republic becoming Republicans after the death of Cato (1949, 167).
- 6 See Bartsch (1994) on doublespeak in ancient Rome.
- 7 MacMullen (1966,13).
- 8 Taylor sees the old *optimates* and followers of Cato becoming Republicans on his death, although she also stresses that the it was Augustus who laid claim to this and so it did not cause Republican opposition under the emperors after him (1949, 162, 167). When Brutus' sister died in AD 22 the family did not dare display any images of Brutus or Cassius, showing the importance of his memory and fear of it by the emperors (Tac.*Ann.*3.76).
- 9 Taylor sees the 'cult of Cato', as she would call it, as a purely elite cult, with no support or interest from the masses (1949, 182).
- 10 For a discussion of the 'stoic opposition' see Griffin (1984) and Chapter 2.
- 11 For those denying the ideological import of Republicanism see Wirszubski (1950); McAlindon (1956); Ronald Syme (1960); MacMullen (1966); Lind (1986); Giovannini (1987); Rudich (1993); Rutledge (2001); Gowing (2005).
- 12 Bauman (1974, 14). On the *lex maiestatis* in general see Rutledge (2001, 87ff).
- 13 Suetonius (*Aug.* 51–6) provides lots of examples of his tolerance. See also Seneca (*In Controv.* 2.4.13). See Raaflaub and Samons (1990, 438–42) for the historians.
- 14 Ovid's mysterious exile has naturally led some to search for anti-Augustan sentiment in his work. However, Nugent points out the huge discrepancy in various modern interpretations of his work which range from seeing him as a dissident to a promoter of Imperial propaganda (1990, 240–1; see particularly note 7, p. 241 for a bibliography on the topic). Williams also advises caution over reading too much anti-Augustan subtext into Ovid's work (1978, 61) whereas Barsby (1978) and Wilkinson (1962) both view *Tristia* 2 as vehemently critical of Augustus. See also Wiedemann (1975) and Phillips (1983). Propertius has also been seen as alluding to Augustus in a manner far from kind (Griffin 1984, 208).
- 15 Tacitus (*Ann.* 1.72); Raaflaub and Samons (1990, 441).
- 16 See also Seneca (*In Controv.* 10 praef 5).
- 17 See Toher for a discussion of historiography under Augustus (1990).
- 18 Luce shows the difficulty of understanding Livy's views on the Principate. He always writes of Augustus in complimentary terms yet he also supposedly questioned whether it would have been better had Julius Caesar not have been born (Sen. *Q.Nat.* 5.12.4;

- 1990, 128). See Walsh on his Pompeianism (1966, 119–20).
- 19 Raaflaub and Samons (1990, 436).
- 20 Hammond sees Augustus' claim as sincere (1933, 5).
- 21 It is, of course, possible that Livy's Pompeianism was unproblematic since Augustus is assumed to have moved away from his radical Caesarian political heritage after 30 BC, and could then later afford to be generous to Pompey and Caesar's opponents.
- 22 For example Velleius Paterculus (2.103.1–5).
- 23 Such as Titus Labienus and Cassius Severus.
- 24 Lucan speaks of the army led by Magnus and including the whole senate (2.517–21). After the death of Pompey the senate fight on for their cause (7.695–7). For Cato as the flag of Republicanism; 'Behold the true father of his country, a man most worthy to be worshipped by Romans; to swear by his name will never make men blush; and if they ever, now or later, free their necks from the yoke and stand upright, they will make a god of Cato' (9.600–4).
- 25 For more on Cordus see Martin (1981, 137) and Woodman and Martin (1986, 176–84).
- 26 Gabba, for example, feels Livy's work expresses his mistrust in Augustus to restore religious and moral beliefs (1984, 80).
- 27 Indeed, he is seen as one of the last of the Republicans (Suet. *Tib.* 61; *Cal.* 16; Dio 57.24.2; Tac. *Ann.* 4.34; Rudich (1997, 22–3)).
- 28 Gaius's Principate did not purport to be a continuation of the Republic and so it mattered little what praise dead historians heaped on the past; see Dio (57.24). Nevertheless, Suetonius does report him banning the works of Livy and Virgil so as not to be compared personally to the great men of the past (*Cal.* 34) and one might suspect that there was a considerable symbolic benefit in allowing the republication of works banned by his predecessor whatever Cordus may have said.
- 29 Aelius Saturninus also found himself thrown off the Tarpeian rock for his libellous verses (Dio 57.22).
- 30 See Raaflaub and Samons (1990, 439–40). We do know, however, that the slanders of Cassius Severus were attacked under Augustus (Tac. *Ann.* 1.72). Seneca tells us Titus Labienus was a 'Pompeian' (Sen. *Controv.* 10 praef. 4–5), but it is very difficult to know what Seneca meant by that, or whether 'Pompeian' had the same resonances and subtleties as it had under Augustus. It is possible that Seneca was using 'Pompeian' as label for 'Republican' in the way that Cordus is portrayed as doing, and not in the way that Augustus seems to have used the term.
- 31 See Raaflaub and Samons for a detailed account of Augustan

opposition (1990, 417–54). They list various ‘non’ conspiracies, such as the fall of the Egyptian prefect Cornelius Gallus (Dio, 53.23) and Augustus’ denial of the *spolia opima* for Marcus Licinius Crassus on account of defeating the Bastarnae (Livy 4.20.7). After that incident Crassus disappears from the sources. There is no evidence of Republicanism here. A less noble example is Egnatius Rufus. In 19 BC he won respect by setting up a public fire brigade, which saw him advance quickly and illegally from aedile to praetor. The consul prevented him from standing for the consulship the next year and so he started a conspiracy, which failed (V.P. 2 91). His similarity to Catiline has been pointed out (Raaflaub and Samons 1990, 427).

- 32 Dio (54.3); Suetonius (*Aug.* 19; *Tib.* 8); Raaflaub and Samons (1990, 425–6). The exact identity does not pose too much of a problem for this work; the case itself is rather more important. The amount of modern scholarship on the issue is large. Swan (1967) sees no reason for the advocate of Primus, Licinius Murena, to be the same as the Varro Murena who conspired. He sees Dio as confusing the two men (1967, 241). Summer (1978) has a good discussion of the identity issue. Arkenberg (1993) argues convincingly that the conspirator and consul for 23 are two different men, pointing out in particular the fact that the sources commonly call the Consular Varro and the conspirator Murena (1993, 482). See also Millar (1964, 89).
- 33 The list of names goes on to include Marcus Egnatius, Plautius Rufus, Lucius Paulus, Lucius Audasius, Asinius Epicadus and a slave called Telephus. Seneca also lumps several together (*Brev.* 4.5).
- 34 Quintius Crispinus, Appius Claudius, Sempronius Gracchus and a Scipio. See V.P. (2.100); Tacitus (*Ann.* 1.10; 1.53; 3.18; 4.44); Suetonius (*Aug.* 19, 101; *Tib.* 11).
- 35 *Brev.* 4.5; Dio (55.10); Pliny (*NH* 7.149); Raaflaub and Samons see it as a power struggle within the Imperial family (1990, 429–31).
- 36 The sources point to the fall of others at the same time, such as Ovid and Plutius Rufus; Suetonius (*Aug.* 19, 72, 101); Tacitus (*Ann.* 3.24; 4.71); Raaflaub and Samons (1990, 428–33).
- 37 See Chapter 3.
- 38 Edwards has shown how moral legislation made the crime of adultery take on new proportions and so behaviour of this kind took on a new significance, resembling treason (1993, 61–2). Similarly, Ovid’s *Ars Amatoria*, with its call to love, seems to have led to his exile (*Tristia* 2; See also OCD).
- 39 Edwards has shown how female sexuality was linked to a breakdown of social order in the Republic with the likes of

Sallust's Clodia (*Cat.* 25; 1993, 43) and how those who undermined the Republic were often seen as adulterous, such as Catiline's supporters (*Cat.* 24) and Cicero's enemy Clodius' sister (*Pro Caelio* 49; 1993, 46). Similarly she has pointed to the sexual excesses of Caesar, Catiline and Curio as being linked to a danger to the Republic (1993, 91). See Plutarch *Life of Caesar* (9–10) for an account of the Clodius episode and how his lust led to a profaning of sacred rites.

- 40 Bauman (1974, 113). There has been a lot of debate concerning treason trials and the various laws that led to them. On treason trials in general see Chilton, who shows that treason trials during the Early Empire were charged under a *lex iulia* that must have been passed under Augustus (1955, 73). Rogers feels the law set two different punishments, one for *perduellio*, and another for *maiestas* (1935; 1959) which Chilton disagrees with, arguing that the emperors arbitrarily introduced the death penalty, or worsened conditions of exile, which he then argues shows the lack of legal process during the reigns of emperors such as Tiberius (1955, 73ff). The identity of the instigator of the *lex iulia* is still a matter for debate, with some seeing it as a Caesarian law, such as Allison and Cloud (1962), although see Chilton (1955) sees it as Augustan. See also Richardson (1997). Rutledge shows that the *lex iulia de maiestate* was established by Caesar and then either replaced or amended by Augustus (2001, 87). Seager points out that the concept of *maiestas* was already vague, so it was clarified by Sulla and then Caesar, with Augustus adding written libel to it (*Tac. Ann.* 1.72; Seager 2005, 126). Tacitus' claim that Tiberius revived the law of *maiestas* is, according to Seager, misleading as it had not been repealed under Augustus (2005, 126).

Interestingly he sees Tiberius' answer to Pompeius Macer that the laws must be administered when asked if *maiestas* was to be admitted to the courts once again as following 'Republican principles' (2005, 127). Allowing individuals to battle it out in the law courts was naturally a feature of the Republic. This is yet again an example of Tiberius attempting to act the Republican while his position made that impossible and corrupted the system; treason trials became a regular occurrence after this. Rutledge, I feel correctly, points out that throughout the Principate the definition of *maiestas minuta principis* grew, and included libel, adultery, *repetundae* and *secessio* and even included actions against the family of the princeps (2001, 87). This shows the corruption of the legal process by the emperors.

- 41 *Tac. Ann.* 1.33; 2.43; 2.75; 3.4; 4.12; *Suet. Tib.* 52–3; *Dio* 58.22.

- 42 Barker also feels 'much of what later ages supposed to be servility

was sarcasm' (1929, 218).

43 2.124.2.

44 On Gallus see Levick (1999, 77ff).

45 It is worth noting that Flaig is against constitutional readings of the Principate, claiming that there was no legitimate body or constitutional organ that could bestow the Principate. See Lintott's review (1994) of Flaig's *Der Kaiser herausfordern. Die Usurpation im Römischen Reich* (1992).

46 Seager explains that although the move looked like it would strengthen Tiberius' hold over the magistrates, in reality it weakened the emperor. Tiberius chose to represent it as an act that would give him more power, thus displaying *moderatio* by refusing (2005, 106).

47 Shotter sees this as a clear example of the predicament of the senate under Tiberius (2005, 28). Winterling sees this as indicative of the communication and information problems that emperors had with the senate; communicating and acting as if the Republic still existed would only lead to ridiculous scenes such as this (2009, 111–12).

48 Syme sees him as following the policy of Tiberius (1986, 373). Levick sees his political views as close to the Principate (1999, 154–5).

49 Tiberius refused to hear the case and instead gave it up to the senate. As Seager points out, a trial *in camera* would have made people suspicious that Tiberius had been behind the death of Germanicus (2005, 96).

50 Baker points out that after his death statues of Tiberius in the temple of Mars the Avenger were proposed by Messalinus and Caecina in order to show Germanicus had been murdered (1929, 297).

51 See also Tacitus and Suetonius for claims of Drusus' Republicanism (*Ann.* 1.33; *Clau.* 1.4). Rich sees a possibility of Republican sympathies in Drusus, although feels his sheer popularity may have started the rumour (1999, 544). Levick feels he may have actually challenged Augustus in his desire to claim *spolia opima* (1976, 34). Allen sees there being no parties around Drusus and Germanicus as such, just courtiers, and that their intrigues were only serious because they were made public (1941, 1–25).

52 Levick sees this case as showing Tiberius' willingness to have recourse to the due processes of the Law, and that his behaviour in civil cases down to AD 23 was admirable (1999, 182).

53 *Fasti. Amit.*, *CIL* I2, 244 = *EJ* 52; *Tac. Ann.* 2.27; *Dio* 57.15; Levick (1999, 150); Baker points to the genuine discontent amongst the

senatorial class and their attempts at 'wrecking tactics' (1929, 215–16).

54 Levick (1976, 95).

55 See Kajanto (1970) for a discussion of Tacitus' attitude to soldiers in general. See also Alston (2003).

56 See Goud (1996) for a good summary of the issues surrounding Josephus' sources and the narrative itself.

57 Wiseman (1991, xiii) for a discussion; Feldman does not accept Rufus as a source and discusses other possibilities (1962). The sources of Josephus do not really concern us here; his account does.

58 Josephus (*AJ* 19.17–18); Wiseman (1991 27). Also see Birley (2000) on the corruption of names in Josephus.

59 All translations of Josephus are taken from Wiseman (1991).

60 1934, 102.

61 1975, 127–8.

62 1990, 35.

63 1989, 161.

64 On the nature of Josephus' work see Goud (1996). On his similarities to Polybius see Eckstein (1990). For a sympathetic view of him as historian see Rajak (1983).

65 Barrett (1989, 176–7). A newly restored Republic may well have kept the praetorian guard, albeit under a different name, and if they were disbanded, the high-ranking officers involved in the assassination of Caligula would surely not have gone unrewarded.

66 For evidence for the lack of popular support for the restoration see Josephus (*AJ* 19.228) and Barrett (1989, 172).

67 Paul has shown how common speeches were in ancient historiography although both Sallust and Livy were apparently criticized by Pompeius Trogus for exceeding the proper bounds of history by using excessive speeches (1966, 103). On speeches and their use in the ancient literary sources see Levene (2009); Dominik (1994); Miller (1968); Syme (1958, 192–3, 316–17, 320, 476, 539). For speeches in Livy see Champlin (2000, 86ff); Walsh (1966, 119ff).

68 Sadly Tacitus' account of the assassination of Caligula and the following events are not extant.

69 Dio's version is shorter than that of Josephus; 'the consuls sent tribunes and others forbidding him to do anything of the sort, but to submit to the authority of the people and of the senate and of the laws; when however, the soldiers who were with them deserted them, then at last they, too, yielded and voted him all the remaining prerogatives pertaining to the sovereignty' (60.1.4).

70 1989, 174. Wiedemann disputes the intentions of the debate held

by the senate, claiming that as long as it was unclear who was in control of the *domus Caesaris* then senators could only avoid expressing support for the wrong man by using the language of Republicanism.

- 71 Swan points to Vinicianus siding with the consuls as he was brought into the plot by Chaerea himself (*AJ* 19.49); they acted together during the hour of the assassination (19.96–8); Chaerea looked out for the safety of Vinicianus (19.153); Vinicianus proposed honours for Chaerea (19.182–4); it was Vinicianus who gave the watchword liberty to Chaerea (19.186–8; 1970, 149–64).
- 72 For the view that Vinicianus had purely personal motives see Vervaet (2002, 135–93).
- 73 Swan (1970, 157–8).
- 74 Swan (1970, 158).
- 75 Hammond also sees the restoration attempt as clear (1956, 65).
- 76 Barrett sees the prosecution of Canus under Caligula as the first in line of the opponents to the Principate on principle (1989, 157).
- 77 Clarke feels there would have been a considerable number of disappointed aspirants for either Republican *libertas* or the throne itself (1965, 67).
- 78 Suet. *Claud.* 11; Jos. *AJ.* 19.258.
- 79 *Fasti feriarum Latinarum, Inscr. Ital.* XIII,1, p150–1.
- 80 See also Seneca (*Apoc.* 11,5) and Calpurnius Siculus, which Wiseman sees as written under Nero to show Claudius had been too harsh (*Ecl.* 1.54; Wiseman 1982, 63, 67).
- 81 Wiseman sees him as one of a possible 5 candidates for the throne on the death of Caligula (1982, 61).
- 82 Rutledge discounts this and feels Camillus Scribonianus had a claim to the throne (2001, 164). On the plot see *PIR*² A 1140; Ehrhardt (1978, 63) and Wiseman (1982, 61–2).
- 83 See Ehrhardt for a discussion of Messalina's role in this and in AD 46 in order to save the succession (51–71).
- 84 Swan (1970, 161).
- 85 Dio 60.14.3–4; Suet. *Claud.* 37; Wiseman (1982, 60, 63).
- 86 *Ann.* 13.43; Levick (2001, 59–60).
- 87 Swan (1970, 163–4); *BMC*, p185 nos 145–6; p192, nos 202–5; See also Levick who points to the coin, amnesty for senators, restoration of the Magnus to Pompeius, burning of denunciations made to Gaius and recall of exiles as evidence of a reaction (2001, 93). Wallace-Hadrill sees it as Claudius' attempt to portray himself as the guarantor of freedom (1982, 38).
- 88 Swan (1970, 164).
- 89 See Chapter 2.
- 90 See Introduction.

- 91 Also see the aftermath of Caligula's assassination when the people showed less enthusiasm for the deed and the conspirators.
- 92 I use aristocracy here in a loose formulation to cover the landed and wealthy sector of society which, one might expect, would include most of the well educated freeborn in Roman society. Such a group would not necessarily be limited to the senatorial and equestrian orders.

Notes on Chapter 2

- 1 I use 'class' here to refer to discernibly separate political communities within Rome which could be defined through a combination of economic and institutional-legal factors. I do not thereby suggest that politics and ideology is driven by class or economic position.
- 2 Sullivan points out the highly Republican nature of the play *Octavia*, supposedly written by Seneca, and contrasts this with his *De Clementia* (1985, 64).
- 3 Rudich sees the complete inefficacy of Republicanist slogans in AD 41 and 42 as meaning that this coup was to change the man at the top, not the system of government (1993, 88).
- 4 Piso also wished to avoid the help of Lucius Silanus because he feared the man may try to gain power for himself (Tac. *Ann.* 15.52).
- 5 1993, 120; Tac. *Ann.* 15.52.
- 6 See Thornton (1971, 621–2) on the difficulty of reading the ancient sources' accounts of Nero. See also Bartsch (1994); Champlin (2003); Mellor (1999). Wardle points out, quite correctly, when discussing the work of Champlin, that the actions of Nero that made him notorious probably resonated far more harmoniously with his contemporary audiences (2005, 247).
- 7 For Lucan's work as an attack on Nero see Rudich (1997, 111) who sees the *Pharsalia* as not consistently Republican, just anti-Caesarian; Sullivan (1985, 143) who sees the poem as written from the standpoint of an emotional Republican and Ahl (1976, 49) who sees the poem as an attack on the ideology of Caesarism. Ahl also sees the lost *De Incendio Urbis*, and Lucan's life, as clearly indicative of his Republican stance and highlights his attacks on Nero (1971, 1–21). For the opposite viewpoint see Schnur (1972, 13–20). DeWar summarises the debate over the poem and whether it should be seen as genuine or sarcastic (1994). Petronius' Trimalchio of the *Satyricon* could be seen as a crude Nero figure, as Crum suggests (1952, 161–8); Seneca's mocking of

Claudius in the *Apocolocyntosis*, or his views on the philosopher-king (a far cry from Nero) could be seen as evidence of such views too; Bishop sees both the *Apocolocyntosis* and the *Oedipus* as strong attacks on Nero (1978, 289–301). He also sees *De Ben.* 7.20.3 as proof that Seneca advocates murder as a last resort (1978, 300). Grant also sees Seneca as advocating tyrannicide (1975, 168).

- 8 Naturally it is also possible the man simply hid his views from his master.
- 9 Ahl sees the clear anti-Neronian nature of the *Pharsalia* and the existence of the pamphlet *De Incendio Urbis* as pointing towards a much more ideological motive, and he feels that the senate of the first century AD remained a symbol of the Republican past which Lucan was influenced by (1971, 11, 25). Scholars have debated this, and all aspects of Lucan's life and work, and there is a wealth of contrasting views on Lucan and the *Pharsalia*. Rudich believes his motives were personal and points to his confused and ambivalent politics (1993, 95) and insists he was not a Republican (1997, 126). Mayer sees no link between Lucan and Republicanism and actually believes the *Pharsalia* was officially sanctioned by the regime (1978, 86–7). Grimal similarly believes that the eulogy of Nero at the beginning of the work is sincere (2010, 64). Leigh, however, sees the *Pharsalia* as having a serious Republican voice, however buried (1997, 157). Griffin sees no truth in the idea of literary opposition between supporters and opponents of the emperor and sees the poem as claiming the Principate was a necessity (2001, 156–9). Sullivan sees the poem as written from the standpoint of a Republican, regardless of Lucan's own feelings (1985, 143). Cato had already achieved *libertas* in a stoic sense and so was fighting for it in a senatorial sense (1985, 149). Martindale points out that just because he lived and worked within the Imperial framework does not mean he agreed with it, and sees his poem, the ban on his poetry and his death in a conspiracy as evidence of a desire for a more Republican system of government (1984, 64–79). Holmes sees the praise of Nero and criticism of the Principate in the poem as pointing to a dislike of the system but approval of Nero (1999, 80). For Biagio Conte the whole poem is about the destruction of the old world order as personified by Cato (2010, 58).
- 10 Ahl cites Tacitus (*Ann.* 15.49) as the example of this.
- 11 See Rudich (1993) for a good discussion of this conspiracy.
- 12 For example, with the complete breakdown under torture of Natalis, Scaevinus, Lucan, Senecio and Quintianus (*Ann.* 15.56–7).
- 13 Shotter (1997, 18).
- 14 He was married to the daughter of L. Antistius Vetus, another

- admirer of ancestral traditions (Rudich 1993, 46). See also Seneca (*Quaest. Nat.* 7.21.2).
- 15 Rutledge sees Plautus as a threat for dynastic reasons (2001, 152).
- 16 Corbulo would also fall foul of Nero as his exploits as a general simply made him too much of a threat to Nero (Tac. *Ann.* 15.30; Vervaet 2002, 169).
- 17 For links to the Imperial house see Shotter (1997, 23). Gowing feels there is no suggestion of a restoration of the Republic under Nero at all (2005, 97).
- 18 Allen points out that Cato as a stoic and oppositional figure was something of a creation after his death (1941, 16). Plutarch's *Life of Cato* is enough to see how the man had passed into legend as an oppositional figure to Caesar and his Triumvirate (see especially 33, 42 and 43). Levene attests to the power of Cato as the symbolic figure of the anti-tyrant and archetypal Republican (1974, 168). It is no surprise that Cicero called Cato the Younger the first eloquent stoic orator (*Brutus* 118–19; Stern 2005). In fact Cato's first public appearance was, as Nelson points out, in defense of the *mos maiorum*, over the Basilica Porcia (See Plutarch, *Life of Cato* 5.2; 1950, 65). One suspects that Cicero's *Cato* and Caesar's *anti-Cato* would also have cemented Cicero's own position as following in Cato's footsteps for later generations.
- 19 *De Clementia* 2.5.2.
- 20 Griffin (1984, 169–70).
- 21 Even Rudich sees the evidence for Cassius' Republicanism as convincing (1993, 138–41). Moreover, that other charges would be used to attack Republicans is understandable. Charging a senator with being a Republican would implicitly admit there was no longer a *res publica*, but a *res privata*. Instead, other charges are used. Indeed, the charges against Thrasea Paetus, as we will see, were cloaked in traditional Republican terms to lend them credibility.
- 22 See Wiseman for a definition of the term party (*partes*) in Latin (2009, 7).
- 23 See Allen (1941, 9), and Syme's classic work, *The Roman Revolution* for a discussion of the political groups (1939).
- 24 One must remember that there was no Latin term for Republican or Republicanism. See Introduction.
- 25 See Rudich (1993 and 1997).
- 26 See Tacitus (*Dial.* 8.3) on *delatores* as not following Roman mores (Rutledge 2001, 13).
- 27 2001, 6, 13ff.
- 28 Rutledge shows that Quintilian understood the need for informers in order to maintain a civil society and that the state could easily

- fall to conspiracy (*Inst.* 12.7.3–4; 2001, 56).
- 29 Rudich sees this withdrawal as an attempt to save his own dignity once the senate had lost theirs (1993, 38).
- 30 Rudich (1993, 168) argues that the fact that he did not help to put down the enemies of Nero was a strong indictment. The suggestion that he was indulging in the very Republican act of seeing clients highlights his traditional lifestyle. However, there is not necessarily any suggestion that having clients (tenant farmers, etc) was in itself Republican. The speech instead is playing on the *negotium* of the senators as opposed to the *otium* of Thrasea: Thrasea was not doing his duty by the state, which ironically was a very Republican accusation.
- 31 That the behaviour of a subject could be chosen to show discontent with the regime shows how political behaviour actually was. See Chapter 5.
- 32 ‘Pompey and Crassus quickly forfeited their power to Caesar, and Lepidus and Antony their swords to Augustus, who, under the style of *princeps*, gathered together a world outworn by civil strife’ (*Ann.* 1.1).
- 33 The importance of Thrasea can be seen in Nero’s boast that he was reconciled with Thrasea (*Tac. Ann.* 15.23). To be on good terms with Thrasea was to have one’s rule validated by a respected member of the senate and leader of the conservative faction. Shotter sees his prosecution as due to his links to more dangerous men, but he was clearly dangerous himself (1997, 64).
- 34 See Rudich (1993, 55–7) who sees this as proof of the lack of any fixed ideological views within Thrasea or the opposition.
- 35 1993, 21.
- 36 1993, 22–3.
- 37 Rudich (1993, 77) suggests that this action was Republican in opposing adulation. Nero also had an entourage with many foreigners, such as Julius Timarchus.
- 38 Rudich (1993, 31); see Chapter 1.
- 39 A position in line with his admiration for men like Agricola and Burrus (*Ann.* 14.12; Dio 62.15). Sage sees Tacitus as understanding the need for an emperor after the mess of the Late Republic and hence his concentration on the emperors’ characters (1990, 939). If that is the case then we should surely give even more credence to Tacitus’ remarks on Republicanism amongst individuals such as M.Julius Vestinus Atticus in the conspiracy of AD 65 (*Ann.* 15.52). Talbert also points out that Quintilian attacks philosophers and those reluctant to serve (*Inst. Or.* 11.1.35; 1984, 25).
- 40 Warmington (1969, 148).

- 41 Sullivan sees the possible Republicanism in his *Life of Cato* as explaining why Annaeus Cornutus was found guilty by association due to the seriousness of the charge (1985, 119).
- 42 He cites the following as key examples; Thrasea Paetus wrote a Cato; Arulenus Rusticus wrote a Thrasea; Herenius Senecio wrote a Helvidius Priscus the Elder (1966, 79).
- 43 1997, 64.
- 44 Rutledge (2001, 118) and Rudich (1993, 162); Rudich also sees men such as Thrasea searching for a more 'constitutional' form to the Principate (1993, 179). This description does not really do justice to those involved and is also misleading. There was no constitution in the Roman Republic; the Principate was for all intents and purposes a hereditary monarchy. There was not really anything constitutional that could be added. If Rudich is referring to the Republican traits of freedom for the senate, the ability of the magistrates to make decisions independent of the emperor and widespread consultation, then this is not constitutionalism but Republicanism. Pushing for the politics of the Republic can only be described as Republicanism, especially in a society where there was no constitution.
- 45 Rudich sees the fact that Thrasea wrote a biography of Cato as insufficient evidence of Republicanism and uses Maternus' biography and 'acceptance' of the Principate as evidence of this (1993, 162). However, his belief in Maternus' acceptance in the *Dialogus* is to misunderstand the doublespeak involved. Furthermore the fact that Maternus and Lucan and Thrasea, all who praised Cato, ended up being prosecuted speaks volumes. Even MacMullen says of Maternus that he was the last man who got into trouble for his love of the Republican heroes in the first century AD (1966, 27).
- 46 Such as Tacitus (*Ann.* 14.57; 16.22) and Dio (65.13).
- 47 He cites the following as proof; Seneca (Ep. 73.1; 103.5; *De Clem.* 2.5.2); Cicero (*Mur.* 61.5); Horace (*Serm.* 1.3).
- 48 One wonders whether this was designed to highlight Claudius' personal reliance on such men and create a stir.
- 49 Juvenal (5.33b).
- 50 His father had been executed under Tiberius (Suet. *Tib.* 61).
- 51 1.1.28–30; 1.2.12–13.
- 52 *Ann.* 14.57.3; 15.71.4.
- 53 Griffin (1984, 171–5) has pointed out that the punishment of stoics after the Piso conspiracy coincided with the punishment of non-stoics too, such as Cornelius Sulla. Clearly, Piso himself was no stoic and with the fall of Seneca his brother Annaeus Mela was also dragged down, but there is no evidence for his stoicism. She

sees Tigellinus' links between stoicism and treasonable actions with regard to Plautus as simply a convenient way to anger Nero, who was conscious of the stoic tendencies of his now out of favour teacher Seneca (*Ann.* 14.57.3; 14.22.1; 14.52.4). Tigellinus' claim that stoicism led to political activity while Cossutianus Capito's claim that Thræsea's abstention from politics, following the defiant Cato, she sees as contradictory, claiming that stoicism could not be linked to both (*Ann.* 14.57.3; 16.22.1–2). She sees the language of stoicism as simply being employed to justify decisions (1984, 177). Shaw also points out the fact that there was always a core of senators who were hostile to the emperor regardless of their philosophical beliefs (1985, 47).

54 Rutledge sees the charges of the informers as genuine and that the senators' behaviour was indeed fomenting sedition and discord within the state; behind the free expression lay crimes against the *princeps* that threatened the security of the state (2001, 19).

55 1993, 174.

56 See Brunt 1975 for a complete discussion of the stoic opposition theme; Shaw explains the lack of political orientation (1985, 28). See also Griffin (1984, 173–5).

57 Shaw (1985, 26–7).

58 *Diog.Laert.* 7.175, 36, 178.

59 1985, 19.

60 See White (1979) for a detailed discussion of the basis of Stoic ethics. See also Roller (2001, 124) and Reydam-Schils (2005).

61 1975, 27.

62 As Roller points out, stoicism gave the individual the strength to speak out against the *Princeps* (2001, 124).

63 Reydam-Schils points to the conditions being key; if conditions are good then a public life is acceptable for a stoic, but conditions can also deteriorate to such an extent as to allow withdrawal (*Sen. De Ot.* 3.3–4; 2005, 85).

64 See Shaw (1985, 33).

65 Rudich sees stoicism as having the ability to either rouse a dissident to political intransigence or to political opportunism (1993, xxii).

66 Shaw (1985, 45).

67 Or the dissident nature of philosophy in general; See *De Clem.* 2 5 2; *Ep.* 73 to Lucilius.

68 Shaw is not surprised that senators found the creed useful in order to help with their struggle against the emperor (1985, 49).

69 Naturally Cato's obstinacy, heavy drinking and lack of emotional support to his wives is overlooked, as Sullivan points out (1985, 118).

- 70 See Chapter 5.
- 71 Penwill sees the destabilization of the Principate and the absence of the emperor as explaining this mark of independence (2003, 347). But, as we have seen, there are several examples of independent action before this.
- 72 Levick claims such men were always useful for the Imperial regime, regardless of who was at the top (1999, 84). But that is to miss the point. If the new regime was to have *Pax* and *Libertas* as their watchwords then vendettas had to end.
- 73 As Syme points out, freedom to impeach was one of the few freedoms left over from the Republic (1991, 576). Wiedemann sees the lack of military glory available to senators as making treason trials the way to gain glory, fortune and prove loyalty at the same time (1989, 29–30).
- 74 Levick (1999, 87).
- 75 Rutledge admits that such a reference could allude to a Republicanism in Priscus (2001, 127).
- 76 1975, 29–30.
- 77 As Barrett argues (1989, 174).
- 78 Bizarrely, MacMullen also discounts Republicanism (1966, 2, 32).
- 79 She shows that control of the *aerarium* was an issue throughout the first century AD, and highlights the economy commission created after the death of Domitian and under Verginius Rufus as evidence of this (Dio 68.23; 1987, 197–8).
- 80 He cites Cicero (*Tusc.* 11.4); Dio (66.12 and 13); Tacitus (*Hist.* 1.22) as proof.
- 81 Brunt (1975, 30). Even Levick argues that Helvidius had a fundamental disagreement with Vespasian over the function of the senate and senators (1999, 87).
- 82 *CIL* 6, 930.
- 83 Levick (1999, 88).
- 84 Dio 67.13; Suet. *Dom.* 10,13; Tac. *Agr.* 3; Pliny *Ep.* 3.11; Apollonius *Vita Apol.* 7.3. Syme sees no evidence for recent or personal grievances, and so the possibility of an ideological or political enmity must be considered (1983, 124).
- 85 As Brunt points out, it was what he did not do as much as what he said that indicated he thought Domitian was a tyrant (1975, 28).
- 86 Dio 67.12.5. There is an argument concerning the identity of this Maternus, but it is clear from the text that Maternus dies shortly after his speech. For a discussion of the identity of Maternus see Cameron (1967) who is against Maternus of the *Dialogus* being the same Maternus who died under Domitian in AD 91. See also Murgia (1979, 1980) and Williams (1978).
- 87 1998, 183.

- 88 *PIR*² C 474; Jones (1992, 121).
- 89 *Tac. Agr.* 2.1; *Pliny Ep.* 7.19.5; *Dio* 67.13.2.
- 90 *PIR*² A 1140 C 103.
- 91 See Wilkes for a fuller discussion of the family connections within the group (1972, 177–203).
- 92 McAlindon shows that there were more family links between the opposition that we see throughout our period (1956, 113–32).
- 93 1998, 130.
- 94 For a detailed discussion of his coin types see Hewitt (1983, 64–80).
- 95 Plutarch *Life Of Galba* 13.
- 96 See Bradley (1972). Morgan does not think Macer was responsible for the famine (2000, 210–22); Shotter feels the threat may have been from Spain and despite Macer's efforts Africa seems to have supported Galba (1975, 59–74). Wiedemann sees reconstruction of events in Africa as impossible (2002, 69). See also Rickman who interestingly hypothesises that the administration of the corn supply may have been seen as an alternative to dictatorship in ancient Rome (1980, 180).
- 97 Wiedemann (2002, 67).
- 98 *RIC*, 1, 193–5.
- 99 1993, 220.
- 100 *RIC*, 1, 193–5.
- 101 *BMC* I xcii, 292, nos 12 and 13; See Hammond (1963, 99–100) for more detail. His coins also depict the Freedom of the Roman People; The Genius of the Roman People; Mars and a Liberty cap; Victory of the Roman People. These all show a tendency to Republican imagery. *BMC* I cxc–cxvi; cciv–ccix. The coins of Vindex go back to Augustan practice with *Libertas P.R.*; *Libertas Restituta*; *Roma* (Shotter; 1978, 247; *RIC* I 181–90). Despite the Republican propaganda on the coinage in AD 68, Shotter feels that most suggest any new start should take Augustan principles as its foundation (1997, 80).
- 102 Galba's coin with *Genius P.R.* replaced Nero's *Genius Augusti*, and his *Securitas P.R.* replaced *Securitas Augusti* (1987, 329). Here there is a very different ideology at work.
- 103 1993, 224.
- 104 Zehnacker admits that the use of Republican types during the first century AD reflects a competition for power (1987, 357).
- 105 1991, 2785.
- 106 For Levene, Tacitus is using the speech to highlight the shift in power from the Republic and to expose the illusions on which that power was based in the Principate (2009, 223).
- 107 Wiedemann has pointed out there is no evidence that Galba

wanted to restore the Republic (2002, 66). Hammond also sees Galba as simply pretending to act on behalf of the Republic (1956, 68).

- 108 Himself an interesting character; Brunt sees him as rising up in order to end the oppression of the senatorial class to which he belonged (1959, 531–59). Hainsworth sees him as pushing for an emperor chosen by the senate and people and an advocate of senatorial sovereignty (1962, 86–96). Talbert points to the oath of 1 January to the ‘senate and people’ as evidence of the strength of such traditional concepts that transcended the Principate (1984, 82).
- 109 Tac. *Hist.* 1.14; 1.71; Plutarch *Galba* 27; Dio 64.5.
- 110 Although note the subscription of Republicanism even to the freedwoman Epicharis in the conspiracy against Nero by Piso (Tac. *Ann.* 15.57).
- 111 1969, 146.
- 112 1993, xxiv.
- 113 2001, 4.
- 114 2001, 6.
- 115 Hammond even sees Domitian’s removal as evidence of the strength of Republican sentiment within the upper classes (1956, 86). Rudich sees such ideologies as not enough to make full sense of the dissident attitude under Nero as there was little consistency amongst the dissidents themselves (1993, 239). But that is not to say that there was not a section of the opposition that was Republican and held the ideology of the Republic and *mos maiorum* close to their hearts. He does, however, discern constituent elements in the dissidents, including ‘legalism’, ‘constitutionalism; and ‘Republicanism’, albeit of a romantic nature (1993, 240).
- 116 1993, 239.
- 117 Suetonius (*Nero* 37).

Notes on Part II

- 1 The bibliography on such a theme is huge. Important discussions of Seneca and his views include Altman (1938); Griffin (1968, 1976, 1980, 1986); Sullivan (1985); Rudich (1993, 1997); Cooper and Procope (1995). For a discussion of the political (and other) views of Tacitus, important works include Syme (1956); von Fritz (1957); Dorey (ed; 1969); Keitel (1984); Sage (1990); Morford (1991); Shotter (1991); Nesselhauf (1992); Haynes (2003). For Pliny see Hammond (1938); Radice (1968); Sherwin-White

- (1969); Morford (1992); Boyle and Dominik (2003).
- 2 See Introduction.
- 3 *The History of Sexuality*, volume I (1978, 97).
- 4 See Foucault in *The Archaeology of Knowledge* (1972, 7 and 155). See also Gutting (2005, 34) for a discussion on this.
- 5 Gutting (2005, 34).
- 6 As well as some key texts of both before the period, such as Livy, and afterwards, such as Tacitus.
- 7 Gowing (2005).
- 8 See Introduction.
- 9 Throughout this chapter, and indeed throughout the work, I discuss Law as in the notion of Law or the Law System, i.e. the position of Law within the minds of the elite in Ancient Rome, as opposed to the legal system which would refer to institutions and magistracies.

Notes on Chapter 3

- 1 Champlin has shown that Book 5 is concerned above all with religion (2000, 87ff).
- 2 In fact, there is often an association between Law and liberty in writers such as Sallust, Cicero, Livy, Seneca and Valerius Maximus (Lind 1986, 84). Fantham also points to the constant identification of liberty with protection by the laws in the Republic (2005, 215). For example, Cicero claims genuine *libertas* can be enjoyed under Law only (*Pro Cluent.*146; Wirszubski 1950, 7).
- 3 See Linderski (1990) who shows the centrality of Law in the Roman conception of the state.
- 4 2009, 16.
- 5 On a return to Law see, for example, Velleius Paterculus (2.89.4). See Lacey (1996, 85) for a discussion of the legal restoration.
- 6 For a discussion of the depictions of tyrants in Livy see Dunkle (1971).
- 7 In 500 BC, Postumius acquired the dictatorship but only to fight the Sabines (2.20); Cincinnatus and Mamercus left the office when required (4.18) and Titus Quinctius relinquished his command after only 20 days (6.29).
- 8 Naturally, an attack on these men written in the late first century BC could well be retrojections of political debates about the role of Law and state at the end of the first century, covertly attacking those individuals who acted in similar ways, dominating the consulships.

- 9 See Seager (1977) on the *populares* in Livy.
- 10 The sexual assaults that brought an end to the periods of monarchy could be seen as symbolic of the reduction of the citizen to subservience, and by so doing the foundational protection of Law that made the Roman was suspended.
- 11 See Chapter 4.
- 12 For example Livy has Marcus Hortalius Barbatus speak out against the Decemvirs who ‘abolished free elections, annual magistracies, which, by ensuring the regular transference of power, are the sole guarantee of liberty for all’ (III.38). In III.55, the right of appeal is seen as a safeguard on liberty, and for the plebs, political liberty was firmly established on the basis of the restored tribunate (III.56). Livy’s work breaks off in 167 BC and so we do not know his treatment of what we see as the fall of the Republic. Although Livy stylizes the Old Republic to show it in a respectable light, even before the fall of Carthage, the system was, according to Livy, already showing cracks. However, his work is full of examples for future generations. Champlin has shown that his contemporaries had a similar view and Varro, Horace and Virgil are also full of examples to follow (2000, 169). See also Gowing on Horace and Ovid (2005, 20–1).
- 13 Mackie explains the inherent tensions within a system where conflicting ideals existed, such as the right to *dignitas* and the well-being of the *res publica* as a whole, hence Caesar’s crossing of the Rubicon to defend his *dignitas* and his opponents’ claims to be defending the *res publica* (1986, 309–19).
- 14 I use ‘Law system’ to refer to the position of Law within the ‘imaginary’ of a society, rather than ‘legal system’ which references institutions.
- 15 Despite the importance given to it in the ancient sources, see Waters for an argument that it has been exaggerated out of all proportion (1970). Regardless, it is of importance for understanding the failings of the Republic.
- 16 Elsewhere Cicero sees the laws as binding all cities together (*De Leg.*3.2).
- 17 Cicero *Cat.* 4.10. See Wirszubski (1950, 24) for a list of other remarks concerning the illegality of punishment without trial in Cicero (e.g. *De Leg* 1.42) and Livy (e.g. 3.13).

- 18 Wilkins shows that Sallust treats Catiline with some sympathy, and explains this as down to the similarities between the two characters and as an attempt to highlight the moral crisis of the time (1996).
- 19 See Brunt (1977) on the *lex de imperio vespasiani*. Winterling also discusses the contradictory law, one that legalises the illegal (2009, 27).
- 20 See OCD and Nippel (1984). However, the phrase is only found first in the writings of Caesar, Cicero and Sallust (Caesar *B.Civ.*1.5; Cic. *Phil.* 5.34; Sal. *Cat.* 29).
- 21 As stated in the *lex de imperio vespasiani*. See Brunt (1977).
- 22 In fact, Seneca has him asking if Julius Caesar's birth was a greater curse than blessing (Sen. *N.Q.V.*18, 4). See Petersen (1961) for allusions to be found in Livy.
- 23 Jehne sees Caesar as aiming at monarchy and having a clear political system he was working towards, as flawed as it may have been; see the review of Jehne's *Der Staat des Dictators Caesar* (1987) by Seager (1989, 84–6).
- 24 Like Cicero in the Catilinarian conspiracy, they had killed without trial, following the precedent set by tyrannicides in Greece, such as Aristogiton who murdered Hippas in 514 BC. Like Aristogiton, Brutus' act led to his death (Thucydides 1.20; 6.53ff).
- 25 See *Res Gestae* 1 in which Augustus claimed that his actions in 44–43 BC were against tyranny.
- 26 Wirszubski (1955, 151). This has been seen as a turning point in the *libertas* of the Roman elite.
- 27 See Wiedemann (1994, 58).
- 28 See Lacey (1996, 85).
- 29 See Introduction.
- 30 Millar (1973).
- 31 As Syme points out, Pompey had moved to make his enemies impotent; Caesar had pardoned them, but the Triumvirate butchered them in their hundreds including even a sacrosanct tribune (1939, 190). The laws had been subverted.
- 32 Date based on *Fasti Colotiani*, Millar (1973, 51).
- 33 Ando (2000, 26–8, 145–6) points out that Augustus emphasised a general consensus that legitimated his political acts.
- 34 Syme suggests that the claim that Augustus had universal consent rested on the oath made by *tota Italia* to fight Antony (1939, 307).
- 35 Syme argues that the basis of Augustan power was the tribunician power and proconsular *imperium*, neither of which the *Res Gestae* mentions (1939, 311, 523). Lacey also points to the importance of tribunician power (1996, 154–60). Southern adds to this by pointing out that in the funeral speech for Agrippa Augustus

speaks of his tribunician power and pro consular *imperium*, showing its import to his own powers in the process (1998, 160). Ando sees the people giving Augustus control by consensus (2000, 148). Liebeschuetz sees an official settlement where Augustus was offered a supervisory role and the name Augustus to boot and that a similar offer was made to Tiberius at his accession, part of which may have ended up in the *lex de imperio vespasiani* (1986, 345–65). This would mean there was more to his power than sheer *auctoritas*. Adcock also sees Augustus as being offered and accepting control over the whole state (1959, 74). See Gruen (2005) for a clear summary of the arguments. See also Staverley (1963) on the nature of his *imperium*. See also Lacey (1996, especially 100–15), Chilver (1950); Salmon (1956); Millar (1973); Yavetz in Millar (1984); Tellegen-Couperus (1993, 75–8).

- 36 Syme sees no insistence at the time of the settlement being ‘legal’ anyway; people were just happy to move on (1939, 321).
- 37 Probably in 29 BC (Dio 53.1.1; 52.42.1); See Southern (1998, 110, 232).
- 38 See also coin with *ob cives servatos*. See Lacey (1974, 177) and E/J Docs 19, q.v.
- 39 Alston stresses the importance of the soldiers as the foundation of the new regime (2000, 36).
- 40 Tac. *Ann.* 3.28; Dio 53.2.
- 41 See Rich for a discussion of the controversy surrounding the PR legend and the significance of a genitive (of the people) or dative (to the people) case. He has gone for the dative as the most likely and I have followed (1999, 169–214). Regardless of case, the coin shows that the Roman people’s laws and rights had lapsed and were now being revived. Lacey argues that the choice of a *praetor urbanus*, and the election of a full college of praetors for 27 BC, was a visible claim that the mechanisms of the rule of Law were being restored. Lacey believes there was a restoration of the *res publica* because the senate could discuss the candidates for the consulship and provinces again (1974). The *Fasti* of Praeneste show a restoration of something occurred at the time (Lacey 1996, 81). Lacey sees the restoration as based on the choice of a *praetor urbanus* and the election for a full college of praetors as indicative of the restoration of the mechanisms of the rule of Law (1996, 85). Yavetz postulates that the promise to restore the Republic was in response to the same promise by Antony (Dio 50.7.1; 1984, 6). Mackie sees the actual phrase *res publica restituta* (ILS 8393, ii, 35) as vague and incomplete in itself anyway, and so referring to a variety of concepts (1986, 331).
- 42 See Rich and Williams (1999, 169–213) on the aureus with the

legend '*Leges et Iura P. R. Restituit*'. Oddly, Levick discounts coins as propaganda (1982a, 107). However Norena sees the choice of what to highlight on the coins as down to the emperor and so therefore important (2001, 146–68).

- 43 Augustus even supposedly distorted the shape of his Forum in order to respect the property rights of those living nearby (Suet. *Aug.* 56.3).
- 44 Wirszubski postulates that power through *auctoritas* may have been more palatable for the elite (1950, 118).
- 45 See Chapter 4.
- 46 Honore (1981, 5).
- 47 See Lacey (1996, 148–9).
- 48 Livy 2.3.
- 49 Livy relates a rumour that Servius wanted to lay down his power and introduce liberty, perhaps implying that this should be the aim of all good kings (1.48).
- 50 Written just after the settlement of 28/7, and probably before 25 BC, this may be a comment on the state of the times as shortly afterwards the issue of the hereditary succession came to the fore with the marriage of Julia to Marcellus. For the date of Livy's work see *OCD*, which puts Books 1–5 between 27 and 25 BC and Foster in Loeb (ed.) introduction page xi.
- 51 Wirszubski catalogues Livy's remarks on annual magistracies and tenure, together with those of other ancient authors (1950, 23).
- 52 Petersen (1961, 440). Although Syme stresses caution in assuming it is a direct reference (1959, 42).
- 53 Suet. *Aug.* 5; Dio 53.16.5–6.
- 54 Some modern scholars see the content of Livy's history as being closely linked to the ideology of the Augustan regime in terms of emphasis on morality, rebirth of the city, the need for Law and a return to religion, such as Syme (1939, 463–4) and Mellor (1999, 71).
- 55 The development of the Imperial cult has been well documented. Fishwick points out that only towards the end of his life did Augustus feel secure enough to allow a cult to his own *numen* (2002, 5). On the Imperial cult in general see Price who points out the problems inherent in the sources (1984, 2). He also shows the importance of the Imperial cult not merely as a series of honours addressing the emperor, but as a system whose structure defines the position of the emperor (1984, 7). Gradel feels there was certainly less novelty to the form of Augustus' Imperial cult than has often been claimed (2002, 124). It was then later aberrations under Caligula, Nero and Domitian that caused offence, as discussed in Chapter 5. Brent, however, sees the

transformation under Augustus as much more radical (1999, xx, 19). Alföldy stresses that worship of the emperor, even under Augustus, was the most important form of worship during the Early Principate (1996, 255). Scott argues that by the age of Pliny it is a political organisation (1932).

- 56 Velleius had strong links to the Imperial house, having served with distinction under both Augustus and Tiberius; he was decorated in AD 13 and made a praetor in AD 15 (See Shipley (1924, xii (Loeb ed.)). His work continually eulogises Tiberius (eg 53.5; 74.2; 76.2–3; See Shipley 1924, xvi (Loeb ed.)) and so his take on the settlement might be regarded as reflecting that offered by Augustus and his supporters. He certainly goes out of his way to show a continuation in the history from the Republic to Empire. See Gowing (2005, 44).
- 57 Nicolet stresses the importance of property rights in the restoration of Augustus (1984, 111).
- 58 See Lintott (1999, 7). Keitel shows that Tacitus uses the harsh language, often the language of war, to describe the Principate and acts such as the treason trials (1984).
- 59 Keitel sees Tacitus' language as depicting the laws as instruments in a reign of terror (1984, 317).
- 60 These differences could be attributed to the personal experiences of the historians. Tacitus lived under Domitian, whose pedantic adherence to Law with, for example, the live burial of a vestal virgin, could be seen as oppressive (Suet. *Dom.* 8). Yet, even so, the differences between Livy and Tacitus are fundamental.
- 61 Dio and Tacitus may not have believed Augustus claim that he transferred the *res publica* back into the hands of the people, but there is no example of such overt cynicism in contemporary literature. There is no reference to a restoration of the Republic at all in Horace, Virgil, Propertius or Livy. In fact, they seem to accept rule by one man in the majority of their works (Millar 1973, 63–5). It is the *Res Gestae* that claims that power was returned to the people in the form of the *res publica*. Earl points out that as *res publica* does not denote a specific distribution of power it is an entirely legitimate claim (1984, 64). In the restored *Fasti Praenestini* for 12 January, we are told he restored the *res publica*. However, this is a restoration of a gap in the inscription. The restoration in Ehrenberg and Jones (1955, 45) is as follows; *Corona querc[ea uti super ianuam domus imp. Caesaris] Augusti poner[etur senatus decrevit quod rem publicam]P.R. rest[it]u[it]*. See also CIL i2, p231 Degraasi/ *Inscriptiones Italiae* x iii, 2 (1963), 112–13; See Millar (1973, 64). Similarly the *Laudatio Turiae* uses the words *pacato orbe terrarum, res[titut]a re publica*.

Taken from Ehrenberg and Jones (1955), n. 357; *ILS* 8393, col. II line 35. See Turpin (1994, 436–7) for a discussion. It is noteworthy, however, that Ovid's *Fasti* for 13 January stated that the provinces were returned to the people; *Idibus in magni castus lovis aede sacerdos / semimaris flammis viscera libat ovis; / redditaque est omnis populo provincia nostro, / et tuus Augusto nomine dictus avus* (1.587–90).

62 1984, 116.

63 Sherk 1988, no. 12.

64 In 18 BC he passed the following laws; *lex iulia de adulteriis coercendis* against adultery; *lex iulia de maritandis ordinibus* to encourage marriage and superceded by *lex papia poppaea* in AD 9; *lex iulia de ambitu* to stop electoral corruption; *lex iulia sumptuaria* against extravagance. He did his best to show the problems were not new and that the laws to curb them not without precedent (Suet. *Aug.* 89.2). In the Late Republic prosecutions for adultery had lapsed and Augustus sought to reinstate the custom (Jones (1970, 131)). Edwards points out that although Cato refers to the rights of a man to kill his adulterous wife, this could be a moral right and not a legal one; Augustus therefore legally allowed the killing of an unfaithful woman by the *pater familias* (1993, 41). A regular *quaestio* was even set up to deal with the cases (Jones 1970, 131). This was obviously aimed at increasing the morality of the nation while the law on marriage ensured men and women of status married within their class, encouraging them to have children. Moreover, uncontrollable females were equated with a breakdown in the social order, such as Sempronia in Sallust's Catilinarian conspiracy (25); Cicero also linked female licence with political rivals in order to equate them with a threat to the state; see Edwards (1993, 43–6). Augustus wanted Roman families to have a strict social order, reminiscent of the old Republic, while staying together in order to procreate. Various benefits were given to women who had more than three children and bachelors or the childless were penalized. By annulling the acts of the triumvirs, and enforcing a new moral revolution, complete with census, *lustrum* and the closing of the temple of Janus, Augustus distanced himself from his earlier illegal and immoral behaviour and sought to be seen as an example to Romans of how to live. Clearly it was in his interests to stop another Catiline from threatening his position, or to try to encourage a loyalty to the state and family which would then cross over into a personal loyalty to him. Cicero had expected Julius Caesar to do something about the morals of the day (*pro Marc.* 23) and Augustus' contemporaries clearly felt the moral decline had to be stopped.

So Augustus' moral legislation should have been popular with some. They are celebrated by Horace who fulsomely wrote that households became chaste, customs and laws vanquished the guilty, new mothers were praised when their infants resembled their fathers, and punishment followed close on crime (*Carm.* 4.5.21–4). Of the adultery law Edwards points out the fact that this could have been a reaction to the associations of Late Republican moralists between adultery, unwillingness to marry or bear children and the disarray that plagued Roman politics (1993, 36). For the importance of this restoration of morality see Edwards (1993, 42ff; 59ff).

- 65 The *Dialogus* is a controversial text, much argued over. Goldberg says of the *Dialogus* that it is difficult to decide whether it is more intellectual biography, political commentary, rhetorical theory or literary history (2009, 84). See also Syme on the *Dialogus* as political and historical diagnosis of the day (1958, 115). Mayer sees the *Dialogus* as addressing the same problem as the *Agricola*; namely how an individual can be a good senator under a bad *princeps* (2001, 5).
- 66 Bartsch (1994, 111).
- 67 Rudich, however, believes the contradiction in Maternus' speech between the argument that the Republic cannot return (*Dial.* 40) and the fact he wrote a tragedy about Cato, even identifying with him, is to be understood in terms of the intellectual importance of the Republic and the safety of the Principate being two praiseworthy yet opposite ideas (1993, 24).
- 68 Brink (1993, 340). See also Rutledge (2001, 225–8; 278–82) for more on these two infamous informers.
- 69 Bartsch points out that Phaedrus, writing under Tiberius, is at pains to explain that he only writes of the actions of men and if a reader (i.e. an Imperial reader) feels anger at reading it then it is due to that individual's guilty conscience (3.prol.45–50; 1994, 90). The danger of Imperial anger at literature was real and well known.
- 70 As Bartsch explains, Maternus parrots the idea of peace and order and the wisest individual as emperor in order to show up the lack of liberty that forces him to do so (1994, 125). Bartsch sees Tacitus as displaying Maternus and the poetic recitation in general in such a way as to make the *Dialogus* a model of literary doublespeak that draws on the potential of poetry and poets to be the media for political protest when free speech is a thing of the past (1994, 101).
- 71 The emperor had full legal control. As Talbert explains, Pliny's letter concerning the honours proposed for Pallas show that in

nothing was it lawful to oppose the emperor (*Ep.* 8.6.10; 1984, 172).

- 72 Dio 67.12.5. There is an argument concerning the identity of this Maternus, but it is clear from the text that Maternus dies shortly after his speech. See Cameron (1967); Williams (1978); Murgia (1979, 1980). Mayer discusses issues such as this and the authenticity and date of the *Dialogus* (2001, 18–27).
- 73 Gowing would have us believe that the concerns of these friends are anachronistic because Cato had lost his bite as a Republican *exemplar* by the time of Nero (2005, 113). Although he claims Maternus' Cato is not revolutionary he cannot explain why, therefore, Maternus is in so much trouble which leads to his eventual death (2005, 117). The fact that Thrasyllus Paetus also wrote a biography of Cato and Lucan's Cato has some quite clear Republican views also sits uncomfortably with Gowing's opinion.
- 74 Whether Tacitus shares Maternus' view is hardly relevant; that view must have been a plausible or at least recognisable opinion for the text to work.
- 75 The *Dialogus* has usually been dated to just after the turn of the century. See Murgia (1980) for a summary of the discussion.
- 76 Alföldy (1985, 101).
- 77 Suetonius (*Aug.* 56). See Chapter 1 for a discussion of the prosecution of Marcus Primus.
- 78 See Rutledge (2001, 87ff) for a detailed discussion of the law.
- 79 However, Rogers has pointed out that there is no proof the *lex iulia* did not include the death penalty for some offences and so his trials therefore may have followed the Law (1959, 92–4).
- 80 *Panegyricus* 63–77.
- 81 Suet. *Cal.* 14
- 82 Brunt (1977; *CIL* vi, 930 ; *ILS* 244 ; Crawford (1996) I, 39). Brunt argues that it may have had its origins in the complete and total power conferred on Caligula at his accession.
- 83 Seneca offers the same opinion in his *De Beneficiis* (AD 56–64) where he condemns Brutus for assassinating Caesar and speaks of monarchy as the best form of government (2.20). There is a lot of literature on the *De Clementia*. See particularly Altman (1938); Korfmaier (1946); Griffin (1976); Sullivan (1985); Rudich (1993 and 1997); Cooper and Procope (1995).
- 84 See Chapter 4.
- 85 *De Clementia*, 1.3.3; 1.7.1; 1.13.1; 1.16.1.
- 86 cf 1.1.20.
- 87 He is at pains to avoid the more dubious aspects of Trajan, such as the role of the army in his accession (Bartsch 1994, 166).
- 88 Especially if we take the date of the *lex de imperio vespasiani* as the

- beginning of the reign of Caligula. See Brunt (1977).
- 89 See Chapters 1 and 2.
- 90 1981, 8.
- 91 1981, 19.
- 92 See Wiedemann (1994, 39–45).
- 93 Dio 67.2.4, 11.3.
- 94 Dio 68.2.3, 5.2; 69.2.4
- 95 1989, 489–90.
- 96 Millar (1977, 277).
- 97 *Ep.* 3.18, 2.
- 98 Chapters 1 and 2 have charted such dissidents.

Notes on Chapter 4

- 1 See Tákacs (2001, 150).
- 2 In 214 BC, Fabius supposedly gave a speech advocating service to the Republic (*rem publicam*) over even kinship (Livy 24.8) and similarly in the legendary period of Republican history Titus Manlius killed his own son for disobeying a command (8.7). See Chapter 3.
- 3 Speaking of Nero, Warmington points out the inseparability of political and moral objections (1969, 148).
- 4 For example *Cat.* 15; Levick discusses the fact that the ancient writers put the fall of the Republic down to vices such as *ambitio*, *avaritia*, *luxuria* and *libido* (1982b, 52).
- 5 See the *Verrine Orations*. Cicero also depicts Brutus as following the *mos maiorum* (*Phil.* 10.11; See Takács (2001, 27ff)).
- 6 1977, 377–90.
- 7 Walsh (1961, 55). These virtues were also accentuated by Augustus in his search for continuity with the Republic. See Chapter 5 for a discussion of *pietas*.
- 8 Takács (2001, 8).
- 9 Similarly, Scheid has shown that the concept of what a ‘Roman’ was changed over time (2003, 1).
- 10 Alston points out that the senators of the end of the first century AD knew that their status was vulnerable to Imperial power and so they had a choice. They could choose to create a political clash, choose retirement, or alter the narrative and modify the particular status claims being made (2008, 149). Clearly Thrasea Paetus, Helvidius Priscus et al. follow the political clash option. Alston argues that Tacitus follows the third option, shifting the narratives of the Imperial elite’s identity, by examining and establishing the relationship of the elite to the Roman past (2008, 149).

- 11 Tacitus states that with Augustan moral legislation the shackles grew tighter (*Ann.* 3.28). Edwards points out the importance of morality for the representation and negotiation of power relations (1993, 28). With Augustan moral legislation, particularly on adultery, it was easy to dispose of inconvenient individuals (Edwards 1993, 62).
- 12 Takács has shown that the Romans, lacking any historical records for the early period, relied on fictions that took the place of historical reality (2001, 23).
- 13 See Dio 54.10.5; 54.30.1; *RG* 6; Suetonius, however, places this with the census (*Aug.* 27). Modern scholarship places the *curator legum et morum* in 19 BC (Southern 1998, 144). His legislation included the following laws passed in 18 BC; *lex iulia de adulteriis coercendis* against adultery; *lex Iulia de maritandis ordinibus* to encourage marriage and superceded by *lex papia poppaea* in AD 9; *lex iulia de ambitu* to stop electoral corruption; *lex iulia sumptuaria* against extravagance.
- 14 Wallace-Hadrill has shown that Augustus' restructuring of *mores* was the basis of his restructuring of authority in society. Hence Julia's immorality threatened to subvert the authority of the palace; similarly, none of his successors lost moral authority without forfeiting political power (1997, 12).
- 15 Tacitus, for example, has Petronius copying the features of vice in order to be brought into Nero's inner circle (*Ann.* 16.18). Similarly Otho crept into Nero's favour by being partner to his liaisons yet when he was sent to Lusitania, and later as emperor, he displayed self-control befitting those positions (*Ann.* 13.46; *Hist.* 1.71).
- 16 See pages 136ff.
- 17 Naturally we are talking about the elite in society, the politically active as opposed to, say, a slave who worked the Spanish mines.
- 18 See Chapter 5.
- 19 Conversely, where an emperor took a conservative moral line, dissidents could take up a liberal position, reversing the pattern, as happened under Augustus with the reaction to his moral legislation and the events surrounding the banishment of the Julias.
- 20 See Edwards (1993) for an excellent discussion. Horace begged Augustus to do this (3.6,24) and saw restraining licence as the only true way to become *pater urbium*. Furthermore, it quickly became the professed aim of all the Caesars to keep an eye on morals.
- 21 In 18 BC he passed the following laws; *lex iulia de adulteriis coercendis* against adultery; *lex Iulia de maritandis ordinibus* to

encourage marriage and superseded by *lex papia poppaea* in AD 9; *lex iulia de ambitu* to stop electoral corruption; *lex iulia sumptuaria* against extravagance.

22 In the Roman world there was plenty of practical moral guidance through examples of great men; Livy and Valerius Maximus are full of them. Similarly there is a lot written on moral guidance by the likes of Seneca. However, this is a far cry from the more abstract modern philosophical discourses. Still, there is certainly enough from which a 'theory of morality' can be pieced together.

23 See Chapter 5.

24 Horace asked Augustus to restore the moral rectitude of the nation whose disrespect for tradition had emasculated their laws (*Carm.* 3.24.35–6). Ovid says Rome is safe with Augustus as parent (*Tristia* 2.157–81). One of Horace's Odes, whether propaganda or not, claimed expectance of Augustus to fix the morals of the nation (*Ode III*, 6,24). Restraining licence was seen as the only way to become *pater urbium* in *Ode III*. 24.27–9 and Edwards shows the connection with restraining such licence and political stability (1993, 36). Augustus himself tells us that in 19 BC, 18 BC and 11 BC the senate and people of Rome agreed that he should be appointed supervisor of laws and morals without a colleague and with supreme power (*R.G.* 6). As Takács has shown, literature, through its employment in education, functions as a strong carrier of rhetoric (2009, 152). Hence the talk of virtues that run throughout the literature of Augustus. And that he proposed new laws to bring back into use the exemplary practices of their ancestors which were disappearing that he himself was an example for imitation (*R.G.* 8). Griffin has shown that the emperor set the example of moral behaviour for the upper classes (2009, 173; *Tac. Ann.* 3.55). In fact, the restoration of the Republic that is so much debated can be seen in moral terms. As Yavetz has shown, there is much more emphasis on religious matters than the *imperium* he held in the *Res Gestae* (in Millar 1984, 15). Brent also stresses the religious side to the 'revolution' (1999, 17). Augustus even put off the Secular Games from 22 BC to 17 BC when he had passed his moral reforms. Here Horace sang the praises of a return to old fashioned honour and virtue (*Carm. Saec.* 57–9). Wallace-Hadrill has shown that the restructuring of mores in society was the basis for Augustus' restructuring of society (1997, 12). Bucher has argued against the view of Dettenhofer that Augustus' moral legislation was an attempt to weaken the aristocracy's ability to compete with the huge resources of the emperor by encouraging families to have multiple heirs and so breaking up estates (2003, 419).

- 25 Livy's *Preface*, having condemned the morals of the day, goes on to explain that Romans can endure neither their vices nor their cures (*Preface* 9). This has been seen as a reference to the moral legislation of Augustus, and it would certainly fit as such. If so, it was not happily accepted. Gabba has pointed out that there is no evidence that Livy trusted the moral reforms themselves (Millar 1984, 81).
- 26 The secondary literature on Virgil is vast. For this work the position of *pietas* in the Aeneid is the issue. McLeish sees Dido as having the effect of accentuating the *pietas* of Aeneas (1972, 127–35). See also Powell (1992, 146–7); Johnson (1965, 360–4); Stahl (1990, 177). For the links between Augustus and Aeneas see Griffin (2005); Griffin (1988); Jones (1980). Aeneas' piety means morality was linked to the founding of the state, just as Law had been in Livy (1.8).
- 27 Emilie shows that for Cicero piety to the state came before piety towards ones parents, followed by friends (1944, 536). Although Emilie seeks to defend Cicero's own actions as pious, Cicero's construction of *pietas* towards the state as coming first can be seen in *De Leg.* 2.5 and *Ad Fam.* 2.15.3 (1944, 541). As Mackie shows, Augustus' devotion to the gods ensured *pietas* to himself was *pietas* shown to the *res publica* (1986, 327).
- 28 Such a view would become a standard subject in literature; Grant has pointed out Maternus' longing for the countryside while living in the city (*Dial.* 12–13) and Seneca's yearning for countryside simplicity (*Phaedrus* 501–17; 1999, 29). However, as we have seen, the act of secession, or retirement, could be read as intensely political and lead to execution.
- 29 See Wallace-Hadrill (1997, 22ff).
- 30 However, Zanker points to the incidental nature of the Republican statues and claims they were totally overshadowed by the splendour of the present (1988, 82).
- 31 See Gowing (2005, 138–45) for a detailed discussion of Augustus' Forum and the Republican heroes he chose to have erected there next to his own statue.
- 32 See Chapters 1 and 2.
- 33 Gowing (2005, 61; 79ff).
- 34 Furthermore, failure to reward moral excellence and punish vice threatened the whole structure of society (Skidmore 1996, 56). However, Valerius Maximus' whole work is more interested in individuals than events and the course of history (Bloomer 1992, 209).
- 35 2.9 Preface; 5.6 Preface.
- 36 e.g. 1.1.9; See Skidmore (1996, 65).

- 37 Woodman has shown how Velleius describes the reign of both Augustus and Tiberius as one of restoration (1983, 250).
- 38 Gowing (2005, 62).
- 39 He also enforced the laws on adultery, albeit linked to treason. Tac. *Ann.* 3.22; 6.47.
- 40 Suet. *Tib.* 43ff; Tac. *Ann.* 6.1; Dio 58.22. The possibility that Tiberius said one thing in public and indeed enforced that on others, while thinking or even doing something completely different, undermined trust in the emperor. A strict moral stance in public, yet the rumours of sexual perversions in private, ensured some would see him as incompatible with the post of *princeps* and as working outside the collective morality, the *mos maiorum*, that he himself preached. He was certainly attacked for being hypocritical in the sources (Tac. *Ann.* 1.11; Dio 57.2.3). The fact that he had retired to a predominantly Greek area in Naples added to the rumours as he was seen as indulging in Greek ways (MacMullen 1982, 488). Interestingly, Thornburn Jr. puts his retirement down to an inability to manage his own spatial relations (2008, 445).
- 41 Gowing (2005, 68).
- 42 See Grant (1970, 138–65); Griffin (1976, 140ff); Sullivan (1985, 135–6).
- 43 *Att.* 8.16; Leigh (1997, 59). See also Lucan on Caesar's mercy being sinister (2.511–13).
- 44 In fact, Roller sees Seneca and his works in general as trying to offer solutions to the elite living under the Principate where there are no longer independent military commands on offer and flattery is on the rise (2001, 66). He therefore tries to change the emphasis of *virtus* from a military notion to a more ethical and personal one (2001, 89, 102).
- 45 See also *De Constantia* 2.1; 2.3; 3.5; 13.3–5.
- 46 1994, 92.
- 47 1994, 92.
- 48 Rudich (1993, 17).
- 49 See also *Ep.* 90.34.
- 50 See Chapters 1 and 2.
- 51 See Chapter 5.
- 52 Such as *Ep.* 90.
- 53 Tac. *Ann.* 3.55.4.
- 54 Rudich sees Helvidius championing senatorial morality while most of his contemporaries simply used adulation to succeed (1993, 23). See Chapter 2.
- 55 See Chapters 1 and 2.
- 56 See Ahl (1976, 197).

- 57 It is therefore of no surprise that the 'virtue' never appears on Flavian coins. They had learned a lesson from its use by tyrants (Charlesworth 1937, 3–31).
- 58 See also Livy (26.15).
- 59 Leigh (1997, 56).
- 60 1997, 63.
- 61 In fact, Biagio Conte sees the theme of the whole poem as being about the destruction of the old world order as personified by Cato (2010, 58). Lintott (2010, 251) has shown that in letters Seneca argues that in the Civil War Cato was the party of the *res publica* (*Ep.* 95.70; 104.29) and that it is Lucan that develops this in Cato's speech and other parts of the *Pharsalia* (2.234ff; 9.18; 9.256).
- 62 As Ahl shows, it is also military piety not piety to the gods (1976, 118–19).
- 63 Leigh (1997, 171).
- 64 6.147–8; See Rudich (1997, 133).
- 65 This is the problem Pliny and Tacitus have to deal with when concerned with whether the 'good' man can serve a 'bad' emperor.
- 66 Bartsch shows that Lucan portrays Cato as fighting amid the debris of the falling Republic to keep things in order; he is the last hope of stopping civil war (1997, 32).
- 67 Horace *Carm.* 1.35.33–4; Leigh (1997, 232). See also comparisons of 'the fates found a way for Nero' 1.33–4 with Aeneid 3.395 and with Ovid *Met* 15.871–2; Leigh (1997, 29 and 84).
- 68 The losing side is also constantly shown up as the defenders of the Law. Cato is the last guardian of truth and justice but Lucan shows him to be impotent in changing the course of events. However, he still makes the decision to fight.
- 69 See Johnson (1987) on Cato and Pompey. He sees Lucan attempting to rescue the memory of the 'saint' in an age where political freedom had been lost (1987, 65). He also reads the desert scene as showing the impotence of virtue (1987, 66).
- 70 Biagio Conte sees the whole poem as about the destruction of the old world order as personified by Cato (2010, 58). It must be stressed that the *Pharsalia* is a poem that has divided scholarship. Martindale sums up the debate concerning Lucan's intent (1984).
- 71 2005, 82. Lucan's subject matter was dangerous territory. The Civil War had obvious political consequences that led to the reign of the Caesars.
- 72 See Chapters 1 and 2.
- 73 Individuals had to be careful with expressing their respect for 'moral' men of the Republic. Having a bust of Cassius or Brutus

- could result in death as it was indicative of so much more than just a respect for men who behaved morally. Cassius Longinus was impeached for just such an action, even though the famous tyrannicide was a relative (Tac. *Ann.* 16.7).
- 74 We have seen the unease that runs through the text in terms of the legal standing of Trajan. While he is cited as ‘one of us’ he is still called *dominus* and equated with the gods in letters.
- 75 This was advertised in Martial, *Epigrams* 8.
- 76 5.3.2ext; See Skidmore 1996, 56.
- 77 *Ann.* 12. 42;13.2;14.51.
- 78 *Ann.* 15.57–8. See Chapter 5.
- 79 Goldberg discusses the purpose of the *Dialogus* (2009, 84). See also Syme on the *Dialogus* as political and historical diagnosis of the day (1958, 115). Mayer sees the *Dialogus* as addressing the same problem as the *Agricola*; namely how an individual can be a good senator under a bad *princeps* (2001, 5).
- 80 Swain (2000, 89).
- 81 *Pan.* 2.3; 15.5; 19.3; 18.1.
- 82 Bennett (2001, 65).
- 83 The *Agricola* has been seen by Birley as an *apologia* for those who served under a tyrant (2009, 49). See also Morford (1992).
- 84 Giovannini has shown that Pliny was closer to Domitian than he would like to admit (1987, 231ff).
- 85 See Bosworth for a commentary on the *Anabasis* and on this section (1995, 66ff). On Arrian’s career see Syme (1982). On his method in the *Anabasis* see Steele (1919). On speeches in Arrian in particular see Hammond (1999, 238–53). On his sources see Bosworth (1988, 38–60).
- 86 Interestingly, several men attempted adultery with Augustus’ daughter; such behaviour could be construed as oppositional – as a protest against his moral reforms. Morality enforced by legislation was unethical. Using actions deemed immoral they could be seen as showing contempt for the Imperial moral ideology. Behaviour was therefore highly political. See Chapter 5.
- 87 See Chapter 2.

Notes on Chapter 5

- 1 *Polit.* 4.8, p.1294a, 3 (Wirszubski 1950, 85).
- 2 Polybius claimed that there are two basic elements in any society – customs and laws (6.47).
- 3 See Chapter 2.
- 4 As Zetzel has pointed out, it was the first attempt by a Roman to

analyse the structure and values of Republican government and Imperial rule (1999, xvii). The work is usually seen as being started in 54 BC and first read by Atticus in 51 BC. See Loeb edition introduction and Schmidt (2001, 16).

- 5 Sallust also claims that ruling by force, regardless of the good it may do, is tyrannical (*Jug.* 3).
- 6 Takács shows that Ennius sees the state as being founded on the *mos maiorum* and individual men and even that Ennius created a moral ideology that entered into the literature of Rome (2009, 5, 150).
- 7 *De Legibus* 1.15; 2.5.
- 8 Naturally we are looking at the behaviour of the emperor through the eyes of the sources who are senatorial. It may be true that only the elite, only the senators, cared about certain modes of behaviour, and that this elite is obviously a minority in Rome or the Empire at large, but this elite were the group who influenced, or were influenced most by, the individual emperors and to discount their voice is to abandon the evidence of the main sources of the Principate, as Wallace-Hadrill points out (1982, 36).
- 9 Crawford points to taking advice as being the most important feature of the Republic, whether as a *paterfamilias* summoning his family *consilium* or as a consul listening to the senate (1978, 33).
- 10 The Gracchi seemed to have acted without the support of the senate and it was the consuls who started the civil war of 49 BC against the advice of the senate.
- 11 This is, of course, precisely what Augustus did in the *Res Gestae* (1.1).
- 12 Only Tiberius, Galba, Nerva and Trajan could really be considered to have been taken from the senate. Pliny hints at this about Trajan (*Pan.* 10).
- 13 Augustus had a reputation for consultation; Tiberius refers to it in the funeral speech in Dio (56.39.4–6) and he carried the Julian laws through the senate with their approval (*Res Gestae* 6.2; Brunt 1984, 422).
- 14 Shotter has shown that Tiberius had already exceeded his authority over the army, suggesting his stance in the senate was partly pretence (1971, 447). Seager, on the other hand, sees Tiberius' reluctance as genuine (2005, 46).
- 15 On this episode, Shotter sees Gallus as trying to assert his own dominance in the senate while showing Tiberius the difficult 'constitutional' position he was in (1971, 448). The pitfalls of speaking in the senate in general have been well documented by Bartsch (1994). She points to Pliny's pride at avoiding a question

set to entrap him; asked about the conviction of Modestus he knew that to denounce the man would be to lose self respect but to show sympathy was dangerous due to informers. Instead he inferred the disloyalty of questioning a past decision (*Ep.* 1.5.5; 1994, 63–4).

16 Tacitus regularly uses speeches and opinions of contemporaries in his works. For general speeches in Tacitus, particularly in the *Histories*, see Levene, who sees such speeches as integral in showing the shift in power from the Republic and to expose the illusions on which power rested (2009, 223). The *Dialogus* could be seen to do just this. Miller (1968) tried to show that Tacitus used a certain style and vocabulary when giving speeches of Tiberius, although Wharton (1997) attacks such a hypothesis.

17 Alston (1998, 26–30).

18 We have already seen the implications of the type of questions he had to answer.

19 Gabba sees Tacitus' sarcasm as portraying the debate as a farce (1984, 82).

20 Levick (1999, 106–7); Levick also sees the senate as having authority over public buildings in Rome, the Tiber flood inquiry and the Fidenae amphitheatre incident, where it collapsed killing thousands.

21 Brunt attests to these real debates in the senate (1984, 443).

22 He had already sat in silence at the debate concerning the riots in the theatre; Tacitus comments on his silence and the debate as 'the phantoms of liberty which he permitted to the senate' (*Ann.* 1.77). Shotter sees this as Tiberius' way of trying to harmonise *principatus* and *libertas*. To allow debate on issues either of little import or where he had decided the outcome already. The senators felt deceived and instead it would be Trajan and Nerva who are praised for such a move in Tacitus (*Agr.* 3.1; Shotter 1966, 265–71). See Chapter 1.

23 Full coverage of these early Tiberian debates can be found in Chapters 1 and 2.

24 See Pliny, *Panegyricus* 75, 93.

25 Levick (1999, 100).

26 Levick (1999, 96). Some senators also argued against the sons of the emperor, Drusus and Germanicus, in the debate concerning the replacement for the praetor Vipstanus Gallus, already mentioned (*Tac. Ann.* 2.51).

27 *Ann.* 4.42; Talbert (1984, 176).

28 For example Gallus (*Tac. Ann.* 1.11–14). Ando also points out the offence Tiberius caused when he refused honours from the senate and the name Augustus as it suggested these were not honours the

senate could bestow (2000, 33).

29 Boesche (1987, 197).

30 Tac. *Ann.* 6.31ff. Levick sees AD 28 as the cut off point when Tiberius started to treat the senate in an altogether different way, and she blames this on the rival factions in the senate and the rise and fall of Sejanus (1999, 113). In AD 32 there was a debate as to whether an oracle could be added to the Sibylline books but Tiberius intervened to override their decision (*Ann.* 6.12; Levick (1999, 102)).

31 Although Claudius' reign has the highest average of Imperial addresses of all emperors at one every nine months, it does not mean he genuinely consulted the body; Levick sees Claudius using the senate as a forum and initiating *senatus consulta* for legislation, while only really going to the body once his mind was made up (1990, 97). She points out the element of theatre involved; in a grant to Cos of tax relief we find a panegyric for Claudius' doctor, for example. See Talbert however for praise of Claudius' consultation (1984, 423).

32 Tac. *Ann.* 12.25.

33 Levick compares Tiberius' protests that a procurator should have no right over a proconsul, and the subsequent trial and exile of Lucilius Capito in AD 23 proved his point; Claudius on the other hand passed a *senatus consultum* to allow exactly that; Tac. *Ann.* 4.15; Dio 57.23; *Ann.* 12.6; Levick (1999, 110).

34 See Chapter 2.

35 Talbert (1984, 177).

36 See Brunt (1984, 424–5) who suggests that Tiberius sent more important matters to the senate than Trajan did.

37 Talbert (1984, 489).

38 Millar (1977, 341).

39 Suet. *Cal.* 26, *Nero* 28; Talbert (1984, 168). Nero took the debate about the riots at Pompeii to the senate, but they referred it to the consuls who then gave it back to Nero (Tac. *Ann.* 13. 48–9).

40 See Levick (1999, 178–9).

41 For Trajan at the trial of Marius Priscus see *Ep.* 2.11.10; for Trajan in the senate on the first day of Trajan's consulship see *Pan.* 66.

42 On the lack of senatorial meetings, and yet the continued importance of the senate, see Millar (1977, 341 ff).

43 Suet. *Aug.* 35; Dio 53.21.4–5. See Crook's *Consilium Principis* for a full discussion (1955).

44 Livy 29.20.4; Crook (1955, 5).

45 Chilver points out that in AD 13 its decisions were given the force of *senatus consulta* and so for the first time the *auctoritas principis* became a recognized source of Law (1950, 420).

- 46 1955, 10.
- 47 Millar (1977, 341).
- 48 Crook (1955, 15–16).
- 49 Crook (1955, 17).
- 50 Talbert (1984, 167).
- 51 Crook, (1955, 19).
- 52 Lacey (1963, 175–6) and Levick (1999, 92); Crook (1955, 132).
- 53 Crook (1955, 131).
- 54 Juvenal attacked those who feast alone in his satires (1.135–9). See Braund (2002, 1996). Braund also points out how Pliny's Domitian shows his lack of *humanitas* and *socialitas* by dining alone (*Pan.* 49.6; 1996).
- 55 Suet. *Cal.* 55; *Clau.* 28.
- 56 Tac. *Ann.* 11.3 is an example of Claudius consulting Vitellius; see also Levick (1990, 95).
- 57 Ando reminds us that even under the Republic a *senatus consultum* had merely advisory authority, needing the sanction of the popular assembly to become Law, whereas under the Principate *senatus consulta* had the force of Law (2000, 154). This shows the importance of the emperors' dealings with the senate as under the Principate the senate had the legal forms to actually dictate policy. However, whether they were consulted and allowed to do so was vital as it was this move on behalf of the emperor that could unleash their potential.
- 58 Only in mourning or in an emergency would a house be closed to others; see Wallace-Hadrill (1994, 5). Cicero closed his during the height of the Catilinarian conspiracy (*Cat.* 1.10).
- 59 It is no surprise to find this emperor highlighting his respect of Augustus on coinage, celebrating 100 years of the Augustan title (*BMC*, II xxxviii).
- 60 The fact that he had retired to a predominantly Greek area in Naples added to the rumours as he was seen as indulging in Greek ways (MacMullen 1982, 488). A strict moral stance in public, yet the rumours of sexual perversions in private, ensured some would see him as incompatible with the post of *princeps* and as working outside the collective morality, the *mos maiorum* that he himself preached.
- 61 Wallace-Hadrill has shown that for the Romans, the house was as much a place of work and status as it was intended for private residing (1988, 56). As such the house is designed to raise or drop social barriers (1988, 77). Traditional Roman houses tended to be visually transparent (1988, 82) and so the emperor who resided in a large palace, hidden away from his clients, opened himself up to criticism.

- 62 Of course, as with all behaviour, the image or memory of Republican behaviour was more important than the reality of such behaviours in the Republican period.
- 63 Saller (1982, 41).
- 64 Saller (1982) and Wallace-Hadrill (1989). De Ste. Croix even sees the change from Republic to Empire as a completion of a pyramid of power due to patronage (1990, 370).
- 65 Saller (1982, 41).
- 66 1982.
- 67 Millar (1977, 276). Naturally, the emperor also had the power to take away the *latus clavus*; Tiberius used this as a punishment according to Suetonius (*Tib.* 35.2).
- 68 Baumann has even seen the change from Republic to Principate as not a revolution, but simply a completion of a pyramid of power and patronage that started during the Republic (1990, 370). With Sejanus, we see an individual other than the emperor dominating patronage and acting as broker of patronage due to the inaccessibility of Tiberius.
- 69 This is quite clear under Nero and Domitian. Pleket has pointed to the ‘out’ group under Domitian of Helvidius Priscus the Younger, Rusticus Arulences, Herenius Senecio, Junius Mauricus and the women Fannia, Arria and Gratilla and even called them ‘Republican diehards’ (1961, 298). The ‘in’ group under Domitian can be clearly seen in Juvenal’s 4th Satire; Crispinus, Crispus, Acilis, Rubrius and Veiento.
- 70 See Winterling (2009, 40).
- 71 Jos. *Leg.* 7,42; Dio 59.5.2; Pliny *Ep.* 8.6.6–8; Dio 60.2.4; 60.29.3; 60.30.6b; 60.34.3; 61.7.1.
- 72 *Diss* 4.1.148; *Diss* 3.7.31, 4.7.19; See Saller (1982, 66).
- 73 *Sat.* 2.4.27; See Roller (2001, 207).
- 74 Even if the anecdote about Caligula is simply slander and inaccurate, the point is that such behaviour was a breach of protocol and that other sources ascribe it to that most monarchic of emperors.
- 75 Saller (1982, 72).
- 76 Champlin (1991, 11).
- 77 Wills were often used to make a point; Fulcinius Trio attacked Tiberius, Macro and Imperial freedmen in his (*Tac. Ann.* 6.38; Dio 58.25.2) while Petronius famously listed Nero’s debaucheries (*Tac. Ann.* 16.17.7). See Champlin (1991, 16).
- 78 Suet. *Cal.* 38; *Ner.* 32.
- 79 ‘*Pietas*’ is one of those words that causes translators problems. It relates to a wide concept, much wider than the English derivative of ‘piety’, though it also contains that idea of loyalty to and

- reverence for the gods. Its broadness suggests a translation as vague as 'goodness', but the concept had a power and importance for Romans that went well beyond any English idea of the 'good'.
- 80 For more on *pietas* in general see particularly Ferguson (1958, 164–72) and also Earl (1984, 68) and Charlesworth (1943, 1–10).
 - 81 Livy 40.52.6; 41.28.8–9. After he defeated Varro he ensured a renewed reverence for the gods in Rome by executing some Vestal Virgins, one by the traditional live burial, and enforcing religious observance (*Vit.Fab.Max.* 18).
 - 82 Lucan 7.318–22; Roller (2001, 42).
 - 83 7.501–3; Roller (2001, 46).
 - 84 The golden shields attest the importance of the virtue to Augustus, as does *Res Gestae* (34.2). See Scheid (2005, 177); Ando (2000); Powell (1992, 144); Stahl (1990, 202); Zanker (1988, 85); Jones (1980, 36); Charlesworth (1943, 1–10).
 - 85 Ando (2000, 31). One must also remember that holding priesthoods gave political clout (Ando 2003, 66).
 - 86 *Pontifex Maximus, augur, quindecimvir sacris faciundia, septemvir epulonum, frater arvalis, sodalis Titius, fetialis* (RG 7.3). Horace *Carm* 4.14 says that under Augustus' auspices, Tiberius and Drusus won victories.
 - 87 Suet. Aug. 72; Ovid *Fasti* 1.607–16; Dio 53.16.6–8. The story of Octavian dressing as a god at a dinner is scandalous because a man should not assume the persona of a god, but this impiety happened early in his life and was not repeated by the later Augustus (*Aug.* 70).
 - 88 Zanker shows how this could be seen in his building work after Actium, where symbols of peace and religious devotion filled the sanctuary on the Palatine, such as Apollo as bringer of peace and not as avenging archer (1988, 85).
 - 89 Such as C. Claudius in 211 BC or Fabius Maximus who laid down the dictatorship when he heard a mouse (1.1). See also Livy 26.23.8; Plut. *Marc.* 5.
 - 90 Saller has shown the dissident nature of piety, however, when shown to a family member above the state (1994, 109).
 - 91 Gradel shows that there was less novelty to the form of Augustus' Imperial cult than has often been claimed and that he consistently avoided direct deification on a state cult level (2002, 112, 124) and Fishwick points out that only towards the end of his life did Augustus feel secure enough to allow a cult of his own *numen* (2002, 5). Brent, however, sees the transformation that took place under Augustus as much more radical (1999, xx, 19) and Alföldy stresses that worship of the emperor, even under Augustus, was the most important form of worship during the Early Principate

(1996, 255).

92 Gradel (2002, 139).

93 Fishwick has shown how Tiberius deflected attention away from himself by emphasising the cult of Augustus, and not his own (2002, 42).

94 *Cal.* 51, 52, 22, 24; Dio 59.11.2–3; 59.28; the facts do not support the claims that he thought he was a god or attempted to start a new state religion (Wilkinson 2005, 27–8). Fishwick shows that there is no epigraphic evidence for Caligula being deified (2002, 145). However, Sorek has shown that Caligula was influenced by Egyptian custom and brought to Rome certain ‘Egyptian ideologies’ (2010, 60). Simpson also sees the fact that his *numen* and *genius* were worshipped as a demonstration of his divinity, which he could use as part of his psychological warfare on the elite in Rome (1996, 63, 70–1).

95 Ferguson (1958, 172).

96 Charlesworth gives the loyalty of Vitellius to Claudius as *pietas immobilis erga principem* as proof (Suet. *Vit.* 3; 1943, 1). Commodus even called himself *pietatis auctor* (1943, 7).

97 See Severy (2000, 318–37). On the precise chronology of the SC see Mackay (2003). See also Richardson (1997, 510–18).

98 Scheid (2003, 26). Emilie assesses Cicero’s definition of *pietas* as given in *De Invent.* 2.66 as listing the state above parents and friends and giving other examples of Cicero stressing duty to the state coming first (*De Leg.* 2.5; *Ad Fam.* 2.15.3; 1944, 536–42).

99 Kragelund shows that Galba’s initial ceremony for the revolt was on the day for manumission of slaves and that the traditional emblems of liberty, such as the *magistrati vindicta* and *pilleus* were on display, and that such deference to *libertas* was coupled with expressions of *pietas* shown for Vindex with public funeral sacrifices (Plut. *Galba* 22.2) and his pride in his ancestors (1998, 155–60). *Pietas* was also conspicuously shown on Galba’s coinage, such as *Senatus Pietati Augusti* (RIC I ii (Galba) no. 489).

100 Plutarch *Galba* (19.3).

101 Suet. *Nero* 39.2; Tac. *Ann.* 15.62.2; 15.67.2; the *Octavia*, often attributed to Seneca, has *Sancta Pietas* fleeing the Imperial palace when Nero moves in (160) and the goddess *Pietas* lost all power under Nero (911), amongst other comments of impiety; see Kragelund (1998, 173).

102 For cases of Imperial *pietas* towards brothers and mothers see Suet. *Cal.* 12.3; V.M.5.5.3 and Tac. *Ann.* 14.5.3.

103 See Edwards (1993, 92).

104 See Lintott for a discussion of this theory; he claims such a belief came from Gracchan propaganda (1972, 626–38).

- 105 Wallace-Hadrill has shown that luxury upsets the social order, threatening to redefine the social structure (1990, 92).
- 106 This is echoed in Tacitus' *Germania* 19.5.
- 107 Wallace-Hadrill shows the link between wealth and disruption of social status (1990, 90–2). For a discussion of the decline of the Republic in moral terms see Levick (1987).
- 108 Cary (1975, 67).
- 109 Crawford (1978, 37).
- 110 Such as the *lex orchia* (181), *lex fannia* (161), *lex didia* (143) and *lex licinia* (142/1). As Rosivach points out, the *lex fannia* tried to ensure home grown produce was used, while limiting what could be bought at markets, in order to encourage a return to the traditional rustic Roman behaviour of the Early Republic, where the good Roman was a self reliant farmer (2006, 7).
- 111 Tac. *Ann.* 2.33; 3.52; Dio 57.15; Suet *Tib.* 34; *Cal.* 38; Nero 16; Dio 65.10.
- 112 Rosivach points to a 'communal reaffirmation of a traditional past' for the laws of the Republic; laws of the Principate could easily be seen as aiming at a return to the Republic, and using the political symbolism of such to claim a Republic still exists to some extent (2006, 10).
- 113 Valerius Maximus praised the self-restraint of past generations with regard to food (2.5.5). He attacks the extravagance of his contemporaries and praises the *frugalitas* of both Catos (4.3.11–12). Cincinnatus' house would be seen as cramped by his contemporaries (4.4.7). Again, he says of the great men of the Republic like Publicola, the Aemilii, Fabricii, Scipios, Scauri, that 'no riches can be preferred to the poverty of men like these' (4.4.11).
- 114 1987, 191.
- 115 The legislation against silk clothes was also symbolic; it berated effeminacy and the trappings of tyranny, while highlighting Augustus' own attire, made by family members.
- 116 See Suetonius (*Cal.* 37–40) for Caligula's spending bankrupting the state and leading to tyrannous behaviour such as false trials and murders. Nero's expenditure is also berated by Suetonius (*Nero* 11, 12, 30, 31).
- 117 Macrobius gives the anecdote of the magistrate and his advisors turning up drunk for public business and in doing so showing a contempt for public business (*Sat.* 3.16.15–16). Rosivach shows the link to private pleasures encroaching on public responsibility and likens it to Cato's famous lament that when a boy costs more than fields and fish more than a ploughman that the Republic is in dire straits (Polybius 31.25.5–5a; 2006, 10).

- 118 Contrast with Julius Caesar who was innovative in fashion (Suet. *Jul.* 45; 35).
- 119 Dio 59.26.5–10; 63.9; 63.13.
- 120 The historicity is less important than the fact that Suetonius ascribes such behaviour to Nero.
- 121 Livy 2.7–8; Cic. *De Re Publica* 2.31.
- 122 If too much was spent on a house it could be seen as *luxuria* and so despised; the literature of the time is full of respect for moderation in building. Wallace-Hadrill gives several examples (1994, 4).
- 123 See Griffith's review of Ellis (2002, 135).
- 124 It was common for the upper classes to have more than one bedroom, see Wallace-Hadrill (1994, 57); Pliny, *Ep.* 2.17.6–13, 20–4; 5.6.21, 24, 28, 31, 37. Petronius' Trimalchio had 20 bedrooms in his house for his use; though we must allow for comic effect (*Sat.* 77).
- 125 See Wallace-Hadrill's review of G. Carettoni's *Das Haus Des Augustus Auf Dem Palatin* (Kulturgeschichte der Antiken Welt, Sonderband; Mainz: von Zabern, 1983) in *JRS* (1985). Winterling also shows how such a distinction was problematic in Imperial times (2009, 59).
- 126 In 12 BC, when Augustus became Pontifex Maximus, he even built a new altar to Vesta on the Palatine, thereby moving the common hearth of Rome into his palatial complex. This acted as a symbolic subjection of the senate to Augustus, as Patterson quite rightly points out (1992, 205). See also Carettoni (1983). Fishwick has shown that the statue group at the Temple to Mars Ultor illustrated well how the iconography could be enlisted in the cause of state ideology (2003, 93). He sees it as the focal point of the Augustan order (2003, 74).
- 127 See Wallace-Hadrill (1985, 248).
- 128 Feeney points to the collapse of the distinction between the public and private under the Principate (2004, 2).
- 129 It has been shown that the early Julio-Claudian emperors strove to maintain some of the attributes of private Republican homes in their palaces (Smith, reviewing Winterling; 1999, 297). Rutledge also assesses Winterling's argument in *Aula Caesaris: Studien zur Institutionalisierung des römischen Kaiserhofes in der Zeit von Augustus bis Commodus* (1999) that the palace of Caesar was essentially a state apparatus, with all who worked there as state officials (2002, 314).
- 130 2000, 481.
- 131 Zanker, for example, has stressed the overall visual impact of the complex of buildings (such as the Temple of Apollo Palatinus,

porticoes and libraries) which centred on Augustus' house on the Palatine (as explained by Patterson 1992, 205).

132 Patterson (1992, 205).

133 Barrett sees this as incredibly unlikely (1989, 210). Although modern archaeological research suggests it may have been possible, but only because the Temples were there, next to the house of the emperor (Patterson 1992, 205–6). Gradel disagrees, seeing it impossible for the temple to have been incorporated into the Palatial complex (2002, 154).

134 On Nero's Colossus see Albertson (2001). On the Golden House see Böethius (1960).

135 Jones (1992, 24).

136 He claims only to have seen the outside and parts on view (the stoic sage should have no interest in grandiose residences of course) and describes two grottoes and a complex water feature.

137 Henderson points some out (2004, 110).

138 Suet. *Ner.* 31; Pliny *Pan.* 51–2; See Jones (1992, 24); Wallace-Hadrill (1982, 32).

139 Manning has shown that *liberalitas* was feared during the Republic for its political effects, yet became a virtue to be praised during the Principate (1985, 73–83). This is precisely because the expenditure of the emperor was a political act and so emperors who spent on worthwhile projects, such as helping the people with important public works, were praised.

140 Wallace-Hadrill (1990, 93). Pliny the Elder uses the elder Cato as the paradigm of traditional Roman virtue.

141 1990, 92.

142 Suet. *Cal.* 37.

143 The elite of Rome had always flirted with Hellenic culture in order to show their own education and superiority. In some ways Gaius and Nero used Hellenism and Hellenic kingship traits in order to justify and communicate their political authority. Their huge expenditure, particularly in front of foreign dignitaries, was all part of this and was used to advertise their power. Such orientalising can be seen in Domitian's Egyptian obelisk that depicts him as a pharaoh (Sorek 2010, 79). However, the Roman relationship with all things Greek was somewhat bipolar; even Alexander was not necessarily a good example, as Morello points out concerning Livy's Alexander digression (2002, 80). Tiberius was castigated for spending too much time in the Naples area precisely because it was a Greek area, and this in part led to the rumours surrounding his supposedly perverted private life on Capri (MacMullen 1982, 488). He also points to the rejection of Greek clothing in the Republic and even 'gourmandizing' or

- speaking Greek (1982, 493–4). Against Greek clothes see Cicero (*Pro Rab. Post* 10.26; *Phil.* 2.76). Such a tradition continued in Virgil (*Aen.* 9.616ff), Suetonius (*Aug.* 40.5; *Ner.* 25) and Tacitus (*Ann.* 14.21). Dio shows the stigma attached to not being fluent in Latin (57.15.2). Tacitus speaks out against Greek ways in general (*Ann.* 14.20). See also Shotter (1997, 40–59); Griffin (1984, 208–20); Grant (1970, 86–7); Warmington (1969, 108–22).
- 144 *Cal.* 38; Dio 59.10.7, 18.1; *Ner.* 32; Dio 63.17.2; See Roller (2001, 205). However, even the young Octavian (as opposed to the older Augustus) is attacked in this way due to his desire for Corinthian bronzes (*Aug.* 70) and Tiberius for the gold of Sextus Marius (Tac. *Ann.* 6.19.1).
- 145 Suetonius alone attributes this to Caligula (*Cal.* 38), Nero (*Ner.* 32) and even Vespasian (*Ves.* 16). However, Dio directly contradicts this claim about Vespasian (65.14). Even Messalina is seen as supposedly ensuring the prosecution of individuals because she desired their gardens (e.g. Tac. *Ann.* 11.1).
- 146 See Kragelund (2000, 496). For the coins see *RIC I*² (Nero) nos. 100–2, 151–62, 394, 434–5, 501–6. For the epitaph see RE 8A¹ (1955), 952 (A. E. Gordon).
- 147 Curt. 8.9.23; Quint. 4.2.77; 5.13.26; Tac. *Hist.* 1.30; Plutarch *Galba* 16; Suet. *Ner.* 30–2; See Kragelund (2000, 496) for a discussion.
- 148 1987, 193.
- 149 Tacitus *Hist.* 1.16.2; see Kragelund (2000, 494).
- 150 Suetonius *Ner.* 10; Plutarch, *Galba* 19.3; see Kragelund (2000, 495).
- 151 Levene (2009, 218).
- 152 Wallace-Hadrill (1982, 41). Notably, when Marcus Rutilus Censorinus was made censor a second time, he took the people to task for giving such a power to a man for a second term (V.M. 4.1.3). He praises the moderation shown by Fabius Maximus who asked that his son not be consul as his family had had too many of the magistracies (4.1.5).
- 153 e.g. *Pan.* 56.
- 154 Interestingly it was also a virtue put forward by both Plato and Aristotle as key to preserving monarchic power (Wallace-Hadrill 1982, 41).
- 155 As Wallace-Hadrill points out, *recusatio* was an important part of Roman Imperial ideology (1982, 36). It is no surprise considering that early in the history of the Republic the problem of successive magistracies arose. In 460 BC, the tribune Terentilius Harsa attempted to stand for a second successive tribunate. Livy writes ‘that as regarded the future, it was the sense of the senate that for

magistrates to succeed themselves and for the same tribunes to be re-elected was contrary to the *res publica*' (3.21.2). The tribune was still voted in. The *decemviri* also attempted to stay in office having written out the laws. It was they 'who had done away with elections, with annual magistracies, with the succession of new governors – the only way of equalizing liberty' (3.39.8). Republican liberty was guaranteed by popular elections for annual magistracies, not successive ones. Camillus was an effective dictator, but even he was attacked for holding successive commands; while holding a dictatorship he had himself elected consul for the following year, in clear violation of the Licinian law, and Livy writes that it was more disgraceful for his personal honesty than for the injury done to the Republic (7.25). His continuity of office may have benefited the state, but it offended Republican sensibilities. In 152 BC, M. Claudius Marcellus, in his third consulship, passed a law stopping the tenure of successive consulships but it was soon suspended to allow Scipio Africanus to continue in office. Marius managed five successive consulships, voted for in the *Comitia Centuriata* without having the *lex villia* suspended. Such extended commands became common by the end of the Republic, and are written about by the sources as reflecting excessive ambition and being anti-Republican (Sallust, *Cat.* 10–11).

- 156 Dio also presents the debate in the senate in January 28 BC as Augustus laying down commands and trying to refuse power 'until they forced him, as it was made to appear, to assume autocratic power' (53.11.5).
- 157 Grant (1975, 95); Sutherland, C. H. V., *Coinage in Roman Imperial Policy*, London (1951) pp. 97–8. See Sutherland (1938) for a discussion of the coin. Rutledge suggests that this coin, together with one displaying *Clementia*, could be to show Tiberian checks on informers (2001, 55). See also Shotter (1980, 230).
- 158 Tac. *Ann.* 1.11ff.
- 159 1982, 31.
- 160 See Statius, *Silvae* 4.1 for a good example. See Geyssen (1996) for a discussion.
- 161 Thus the political battle moved from the constitutional and legal framework, as we saw earlier in the period, to a moral framework. Hence the behaviour of a senator could lead to prosecution and Thræsea Paetus, Barea Soranus and Helvidius Priscus are a few examples of this. See Chapter 2.
- 162 Possibly dating to AD 37, or at least based on such a wholesale collection of powers; see Brunt (1977). Gradel points out that either way it was the accession of Caligula that for the first time

defined the office of *princeps* (2002, 140).

- 163 Roller (2001, 102). Domitian was also a perpetual censor, using the power for his moral legislation (*Dom.* 8). Indeed both Caligula and Nero are attacked on the same issues (Suet. *Cal.* 50; *Ner.* 37). In real terms, power was clearly in the hands of the *princeps*; this was on display either overtly in the case of a Caligula, Nero or Domitian, or covertly under more subtle and discerning emperors.
- 164 For example, Tiberius simply banned C. Galba from taking part in the lot for the distribution of Africa and Asia; Tac. *Ann.* 6.40; Suet. *Gal.* 3; Talbert (1984, 350).
- 165 The men in question are Manius Lepidus, Asinius Gallus and Lucius Arruntius (or Gnaeus Piso in some versions). Similarly, when an individual such as Thrasea Paetus acquired too much *auctoritas*, they would immediately become potential rivals; see Chapters 1 and 2.
- 166 Saller points out that this ceased to be a problem for the Flavian and Antonines until Commodus (1982, 67).
- 167 See Pliny *Ep.* 8.6.6–8; Tac. *Hist.* 5.9; *Ann.* 12.53. See also Levick (1990, 57).
- 168 Jos. *Leg.* 7, 42; Dio 59.5.2.
- 169 *Ep.* 8.6.6–8; Dio 60.2.4; 60.29.3; 60.30.6b; 60.34.3.
- 170 See Dessau *ILS* 212.
- 171 Including the *Orcivi*, or freedmen, some of whom had been adlected by Mark Antony.
- 172 Tiberius continued expelling immoral senators (Tac. *Ann.* 2.48; Suet. *Vit.* 12; Dio 57.23.4) as did Claudius (Tac. *Ann.* 11.25; 12.52) and Vespasian (Suet. *Ves.* 9; Dio 67.13); See Talbert (1984, 85).
- 173 See also Dio 60.2.4; 60.29.3; 60.30.6b; 60.34.3.
- 174 Suet. *Aug.* 34; Talbert (1984, 39). Augustus brought in many laws to strengthen the hierarchy of the elite; he banned marriage between people of widely differing classes and such legislation attempted to make a hereditary senatorial class; he tightly controlled grants of citizenship (Suet. *Aug.* 40); he expelled low born senators and reclassified the financial boundaries for senators and *equites* (Suet. *Aug.* 35, 81).
- 175 Wiedemann (1995, 29). For a detailed discussion of the Roman views on gladiators and an interesting insight into the dichotomy between the gladiator being both despised and glorified, see Barton (1993).
- 176 The *lex acilia de repetundis* from 122 BC banned anyone who had fought for payment from being on the juries of extortion trials. See Wiedemann (1995, 29) citing E. Warmington, *Remains of Old Latin IV*, 316.

- 177 2009, 60.
- 178 Wiedemann shows that unpopular emperors were often criticised for this; Caligula, Nero, Domitian and Commodus all supposedly appeared in the arena while banning others from doing so (1995, 177).
- 179 Edwards has discussed the ambivalence shown to those who worked in the theatre (1993, 98–136). Sick has shown that most performers were either foreign, especially Greek, or slaves and freedmen (1999, 331). See also Juvenal (3.86–108) for a critique of actors. Sick points out that Pliny clearly hates the Pantomimes even if he does not directly say so in the *Panegyricus* (46) due to Nerva's recall of pantomime actors (1999, 334).
- 180 Ferguson sees acts against *gravitas* as unforgiveable for the contemporary elite and so damaging (1958, 176). Edwards has shown how actors, more so than any other, lacked precisely those virtues that were necessary in an emperor, such as *gravitas*, *dignitas*, *fides* and *virtus* (1994, 83ff). Reviewing Champlin, Wardle discusses the use of myth by Nero to explain his actions; his identification with Orestes linking into his killing of Agrippina because of her involvement in the death of Claudius and because Rome was suffering under tyrannical rule (2005b, 248).
- 181 Suet. *Aug.* 31.44; HA *Antoninus Pius* 12.3; *Marcus* 11.4 ; 27.6.
- 182 See Rawson (1987) on the *lex iulia de theatralis*.
- 183 See Seneca (*De Ira* 3.17).
- 184 Tac. *Ann.* 11.1; Jos. *Ant.* 19.102; Dio 59.30.
- 185 Wallace-Hadrill (1982, 40).
- 186 Suet. *Aug.* 53; *Tib.* 31; *Clau.* 35; Dio 56.26.2; 57.11.7; 60.12.1; 55.7.1; 66.10.6; 68.7.3; 69.7.3–4.
- 187 2001, 135, 173.
- 188 Tac. *Ann.* 11.1, Jos. *Ant.* 19.102, and Dio 59.30. Again Seneca writes on just such a topic in *De Ira*; King Cambyzes killed the son of a man who told the king not to drink any more (3.14–15). When a king kills, he forfeits his position as king, and Seneca calls him a *carnifex*, a public slave for execution. See Roller (2001, 163).
- 189 Suet. *Cal.* 56; Dio 59.29.
- 190 Contrast with his predecessor whom Nero did not try to emulate. Claudius belittled prizes by handing out triumphal insignia frequently and made the sons of freedmen senators (*Clau.* 24).
- 191 Wallace-Hadrill (1982, 47).
- 192 1982, 42–3.
- 193 Wallace-Hadrill (1982, 37).
- 194 See Geyssen (1996) on Statius' *Silvae*.
- 195 The fact that praise for *iustitia* clearly shows that the emperors are

not constitutionally constrained by the Law is pointed out by Ferguson (1958, 183). Plutarch saw the distribution of justice as the central function of a king (*Demetrius* 42).

- 196 Grant (1975, 95); Sutherland, *Coinage in Roman Imperial policy*, pp. 97–8. Tiberius was also referred to as *iustus* in inscriptions (*ILS* 159; 3783). See Ferguson (1958, 185).
- 197 As Rutledge has pointed out, the highly moral nature of Roman politics did not suddenly appear with Augustus, but his moral legislation and the further legal codification with the *lex iulia* against adultery and libel for example, came to be mercilessly exploited by the informers (2001, 83). In the case of Augustus and the Julias, adultery seems to have become a political weapon with which to strike at the regime; see Syme (1939, 426) and Edwards (1993, 92).
- 198 1970, 38; Tac. *Ann.* 4.29; see Chapter 3.
- 199 On Imperial hearings see Millar (1977, 228ff).
- 200 On Claudius' eccentric and inconsistent verdicts see Millar (1977, 229); for Caligula's greed leading to trials see Suetonius (*Cal.* 38) and for Nero (*Ner.* 32). Even Vespasian is charged with this in Suetonius (*Vesp.* 16).
- 201 Millar has shown that the emperors were heavily involved in hearing cases, but also that essentially the sources present all verdicts as reached by the actions of the emperors (1977, 239). This is absolutely true, but it is important to note that what the emperor was perceived as doing or wanting, and not simply what he did, was of crucial importance in how the other individuals would act. Hence Augustus could sit in silence at a trial and swing the decision (Suet. *Aug.* 56).
- 202 Such as the trial of Valerius Asiaticus (Tac. *Ann.* 11.2–3; Dio 60.29).
- 203 See Born who discusses the 'perfect prince' for Latin panegyrists, and points out that Pliny insists on justice in the *Panegyricus* (1934, 23; *Pan.* 36).
- 204 *Clau.* 25, 29; Dio 60.17.8.
- 205 See Chapter 3.
- 206 Garnsey (1970, 40).
- 207 Even Augustus involved himself for his clients (*Aug.* 56).
- 208 Dunkle points out the particular vocabulary used to describe tyrants in the Roman sources Cicero, Sallust, Livy, Tacitus and Suetonius, such as *saevitia*, *avaritia*, *vis*, *superbia*, *libido*, *crudelitas*. That said, it does not mean we have to discount the descriptions of the emperors; it just shows the opinions of the sources towards them (1971, 12–20).
- 209 Suet. *Tit.* 3.

210 Cruelty, in the Greek tradition, invalidated a ruler. The cruel ruler was a tyrant, whereas the just one was a king. It is precisely for this reason that the cruelty of the *decemviri* is attacked by Livy as he wants to show their form of government as corrupt (3.33–67). Similarly, Plutarch attacks Alexander for the killing of those in Persis to show how a ruler should not act (*Alex.* 30.7.2). For Seneca, *crudelitas* was the opposite of *clementia* and these two traits separated the tyrant from the just king (*De Clem.* 1.2.4–13). Therefore Imperial sources would use these traditional differences to evaluate their emperors, just as Greeks had done to praise or denigrate their kings. It is again of little surprise that cruelty is attributed to Tiberius (Suet. *Tib.* 54; *Tib.* 57; 59; Dio 57.19.2); Caligula (Sen. *Const.* 8.2.1; Sen. *De Ira.* 2.33.3–6; Tac. *Ann.* 11.1; Jos. *Ant.* 19.102; Dio 59.30; 59.8; 59.25–9; Suet. *Cal.* 11; 26; 41); Nero (Tac. *Ann.* 15.67; Dio 61.7.4; 61.13.1; 61.15.4; 61.24.2; 62.26.4); Vitellius (Suet. *Vit.* 13–14); Domitian (Suet. *Dom.* 10–11; Dio 65.9.4; 67.1–3; 67.9.1–5; 67.11.3; 67.12.4; 67.14.4). Naturally the ‘good’ emperors are not tarred with this brush. The picture of Augustus in Suetonius is not a cruel one; he acted with *moderatio* and *clementia*, despite the bloodshed of his earlier days (*Aug.* 51). Vespasian supposedly never took pleasure in anyone’s death (Suet. *Vesp.* 15). The gaining of the purple seemed to curb his son’s Titus’ cruelty and unchastity (Suet. *Tit.* 8). Trajan also showed a restraint when, for example, Pliny asked him what to do with a provincial who had set up a statue of Trajan within the precincts of the burial ground of his wife and son; Trajan’s reply was that he would not use terror and fear in order to secure reverence (*Ep.* 10.82.1). Cruelty, like sexual licence, showed up a man’s inability to rule his own emotions, and therefore his inability to govern. In continuation of Greek kingship texts, it separated the tyrannical from the just. It was another virtue with which to evaluate and criticize the emperor, based on Republican ideology.

211 Traditionally the inability to control one’s sexual lust, *incontinentia*, was linked to tyranny in Greek kingship texts such as Aristotle (*Pol.* 1374b30; Polybius 6.7.5–8; Edwards; 1993, 28). In Rome it showed the morality of the individual concerned and highlighted his inability and incompatibility with ruling. Livy shows up the *decemviri* as lustful; Quintus Fabius was perverted by being a *decemvir* (3.41); Appius Claudius’ lust towards the daughter of Lucius Verginius is well known (3.44). The fact that lust goes hand in hand with bad government and tyranny is key. As Edwards has pointed out, the sources make out that adultery was rare in the good days of the Old Republic; Dionysius of

Halicarnassus claims Romulus condemned women to death for adultery (2.25.5); see Edwards (1993, 43). In the Republic, those who worked against the collective were often depicted as adulterous in the sources, such as Catiline's supporter Sempronia or Clodius' sister (Sall. *Cat.* 24; Cic. *Pro Cael.* 49). The sexual dominance of those who threatened the Republic is often exaggerated, as in the case of Caesar, Catiline and Curio (Edwards; 1993, 91). It is no surprise then that emperors with excessive sexual appetites are berated by the Imperial sources too; Tiberius (Tac. *Ann.* 6.2; Suet. *Tib.* 42–4); Caligula (Suet. *Cal.* 16; Dio 59.25.5a); Nero's reign saw an unprecedented level of rumour about his sexual life; see Grant (1975, 160); (Tac. *Ann.* 13.1; 16.19; Suet. *Ner.* 26–30; Dio 61.28.2); Vitellius (Dio 64.2.1; 3.1); Domitian (Suet. *Dom.* 7; 22; Dio 67.2.3; see also Grant 1975, 244; Braund 1992, 81). By contrast Augustus (Suet. *Aug.* 34; 39; 65) is defended by the ancient sources for his sexual activity. And Vespasian showed no excess in his sexuality and no effeminacy. He despised men who stank of perfume (*Vesp.* 8). He moved against the licentiousness that had flourished under the Julio-Claudians (11). Titus, who assumed the purple with a bad reputation, did not use it to express his lust (Suet. *Tit.* 7). Pliny saw the model emperor as being free from lust and as having a duty to reform the youth and correct scandalous practices (*Pan.* 23, 27, 47, and 53).

212 Martindale (1984, 70).

213 In many ways a Ciceronian work; see Skidmore (1996, 19); Plutarch *Vit. Cat.* 2; Cicero *De Senectute* 16.55; *Piso* 1.2.

214 Interestingly, he distrusted philosophers as they went against Roman *mores* and laws (22–3).

215 Such as Thrax, see Chapter I.

216 See Chapters 1 and 2.

Notes on Conclusion

1 Talbert (1984, 356).

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All translations Loeb ed. although I have made some alterations myself. Josephus is taken from the translation by Wiseman (1991) and the *Res Gestae* from Brunt and Moore (1967).

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